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EAST INDIA (BARODA).

# REPORT

OF THE

# COMMISSION

APPOINTED TO INQUIRE INTO THE

# ADMINISTRATION OF THE BARODA STATE;

(WITH CONNECTED CORRESPONDENCE).

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Presented to both Houses of Parliament by Command of Her Majesty.

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No. 81 of 1873.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

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To HIS GRACE the DUKE OF ARGYLL, K.T., Her Majesty's Secretary of State for India.

MY LORD DUKE, Simla, the 2nd October 1873.

WE have the honour to forward, for the information of Her Majesty's Government, a collection of papers relative to the general mal-administration of the territories of the Gaekwar of Baroda.

2. For our orders on the subject, we beg to refer Your Grace to the Foreign Secretary's letter, No. 2209 P, dated the 19th September 1873.

We have the honour to be,
MY LORD DUKE,
Your Grace's most obedient, humble Servants,

(Signed) NORTHBROOK.
" NAPIER OF MAGDALA.
" R. TEMPLE.
" B. H. ELLIS.
" H. W. NORMAN.
" A. HOBHOUSE.
" E. C. BAYLEY.

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No. 28 T., dated Bombay Castle, 26th July 1873.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith copy of communications as per margin from Colonel R. Phayre, C.B., Resident at Baroda, from which the Government of India will observe the serious nature of the mal-administration of the Gaekwar Durbar in the matters therein brought to light.

1. Letter No. 103–552, dated the 25th June 1873.
2. Memorandum No. 106–561, dated the 26th idem, with accompaniment.
3. Letter No. 107–573, dated the 28th idem, with accompaniments.
4. Letter No. 113–599, dated the 4th July 1873.
5. Letter No. 118–608, dated the 8th idem, with accompaniment.

* No. 33 T, dated the 26th July 1873.

2. Copy of the reply* sent to the Resident by this Government also accompanies.

3. His Excellency in Council is disposed to recommend further action in this matter being postponed, until the more important questions of the reform of the Contingent and the administration of Kattywar have been brought to an issue.

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No. 103–552, dated Baroda Residency, 25th June 1873.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my telegram of this date, I have the honour to acquaint you, for the information of His Excellency in Council, that His Highness the Gaekwar's Minister brought to my notice yesterday that the five Thakoors, who have been representing their grievances to the Resident since October last year, as reported by me in the Administration Report for 1872–73, have now broken out into open rebellion, and have taken to the strong ground on the banks of the Suburmuttee with about a thousand coolie followers. I was consulted what should be done in the matter. In reply I asked what was the cause of grievance, as there certainly must be something unusual to drive men to so desperate a step. The Minister

replied that it all arose out of a question of paying certain Nazarana amounting to about rupees 1,100 on the accession of the present Gaekwar to the throne, and he argued that as 16 other Thakoors of that district had paid the Nazarana in question, the Gaekwar was determined that these five should pay their share also.

2. I told him that it was never customary to take strong measures under such circumstances until every effort had been made to adjust matters of inquiry into the reason of their refusal to pay the tax, whether resulting from inability to pay, over-taxation, or other cause as represented in the petition which I had already forwarded to His Highness some months back. I therefore advised that in the first instance, a conciliatory letter should be addressed to the Thakoors inviting them to Baroda under promise of safe-conduct, in order that His Highness might himself inquire into the circumstances of the case and pass a final decision on it.

3. The Minister then asked what was to be done in the event of the Thakoors refusing to come in to Baroda. I replied that under proper arrangements they would be sure to come, and that it would be quite time enough to decide on further steps when their decision became known.

4. The fact is that the Gaekwar not long ago sent a company of his infantry and 25 sowars to enforce his demands, and it is this which has led to the Thakoors taking to the ravines on the banks of the Suburmuttee, whence it would take a considerable force to dislodge them, as may be learnt by perusing the correspondence relating to the coolie rebellion in the Beejapoor District in 1837.

5. I feel sure that this as well as other causes of discontent in the Gaekwar's territory, which I regret to say are on the increase owing to unjust causes, are quite capable of adjustment by a fully authorised arbitrator, an office which I should not of course accept were it offered to me by the Gaekwar without first taking the orders of Government.

6. I have this day received the accompanying anonymous petition setting forth the grievances of certain military classes in the State. I shall forward it to His Highness the Gaekwar, because it expresses sentiments which I have long since heard are matters of current rumours, and upon which I have frequently spoken to the Minister, advising caution; but really, so far from listening to my advice, the Durbar seems to me to be fast becoming reckless in this matter of extorting money by every possible means in their power, and this unhappily is one of them.

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P.S.—I learnt a day or two ago that, notwithstanding my repeated requests and His Highness' promises to arrange matters with the Pitlad coolies, the inhabitants of ten or twelve villages are still out in the Kaira districts.

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Translation of Petition, without date, from some inhabitants of the Gaekwar's territory.

1. Silledars who served under Damajee Rao and Pillajee Rao, late Gaekwars, conquered this country for them, and received Wutuns and appointments from them as reward for their services. And Silledars who accompanied Mr. Buckle during the mutiny, and faithfully served the Gaekwar as well as the British Government by protecting Kussoori, Jubhoogaum, and the camp, and by moving about the inhabited and uninhabited parts of the country, obtained dresses of honour from Khunderao Maharaj on the recommendation of Mr. Shakspear, who also relieved the Durbar from the payment of the three lakhs of rupees levied from them for the support of the Rissala, on the understanding that that amount was to be set aside for the maintenance of those men. The Wutuns granted by the late Gaekwars, Damajee Rao and Pillajee Rao, were held undisputedly by the above men up to the present time; but now Nana Saheb, the present Dewan of Mulharrao Maharaja, called for a list of the Wutundars from the Phudins, and reduced their long enjoyed Wutuns, obtaining the sanction of the Durbar to grant them an allowance of only rupees 300 each per annum. Hence the sowars and the horses are suffering from starvation. Their pay for two years is in arrears, and the men have drawn advances from the Shroffs equal to the amount due to them for that period, at the former rate of their allowances, but now that the Shroffs have come to hear of the reduction in the allowance of the sowars, they have stopped all payments; the men are therefore starving.

2. The appointment and dismissal of the Sebundi and all other matters connected with them were, up to the present time, under the direct control of the Jemadars' appointment over each "Beda," but now the Durbar have appointed their own men over each Beda of the Sebundi, and deprived the Jemadars of all their former authority.

3. The Dewan Nana Saheb receives Nazarana from each of the officers appointed as Umuldars of "Bedas," "regiments," and "troops;" and whoever refuses to pay Nazarana is dismissed. If

any sepoy pays Nazarana he is made an Umuldar. The Subadars of the Rissala, if they wished to retain their appointments, had to pay rupees 1,600 as Nazarana; some of the Subadars had to borrow money from Shroffs to meet this demand, and from grief of being thus thrown into debt have died.

Such are the oppressive taxes levied from the ryots; what the result of all these unjust actions will be is not known. If the lists of the former and present Silledars were called for, you will be able to find out the injustice and oppression.

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YOUR HIGHNESS, Baroda, the 25th June 1873.

IN my yad, dated 26th April last, I brought to Your Highness' notice the case of five Thakoors of the Beejapoor District, who had been representing their grievances for some time previously, and who complained that Your Highness had not given them any redress.

2. Whilst ordering from the Mahee Kanta 75 sowars to keep the peace in that part of your dominions, I informed you that sowars alone would not quiet the country, but that inquiry into, and redress of, real grievances would do so; and on the part of the British Government I gave Your Highness my advice to quiet that part of the country by timely concession.

3. About three months ago I was again asked by Your Highness' Minister to sign an order for a company of infantry to proceed to that part of the country to maintain order, and I also was requested to write to the Political Agent of the Mahee Kanta to be so good as to warn the coolies and others of his districts not to support the five Thakoors in question, if they continued to resist the lawful authority of His Highness the Gaekwar.

4. All this I acceded to at once, in the hope that Your Highness was taking steps to adjust all real grievances on the part of these men.

5. I was rather surprised the day before yesterday to hear from Your Highness' Minister that these same Thakoors had at length openly defied your authority, had taken to the ravines and nullahs on the banks of the Suburmuttee, north of Sadra, and had declared their determination to fight rather than yield to Your Highness' demands of extra taxes.

6. The Minister asked me for my advice as to the best course to be pursued under these circumstances.

7. I told him that there must be some strong cause of grievance to oblige these men to take such a step, and that it would be better for Your Highness to invite them to come to Baroda under a safe-conduct, in order that you might personally inquire into their cases and redress any real grievances they might show to be in the way of their paying the tax demanded of them.

8. I was assured by Your Highness' Minister that 16 Thakoors of the Beejapoor District had already paid the accession tax in question, and that Your Highness did not see why these five Thakoors should be exempted, and that, moreover, the total amount in dispute was only some 1,100 rupees.

9. The Minister informed me yesterday that after conferring with Your Highness, you had consented to follow my advice, and had sent for the five Thakoors under safe-conduct, with a view to coming to some settlement with them.

10. Since yesterday's conversation with the Minister, I have been reading the correspondence that took place in the year 1837–38, when you are aware that the whole of the coolies of the same part of the Beejapoor District under reference rose in rebellion, and that a good many lives were lost.

11. I do not know whether the present rebellion against Your Highness' authority has any connection with that case, or whether the circumstances are similar or not; but this is certain, that any measure of Your Highness' Government which tends to threaten the disturbance of the general peace of the country is a matter of the greatest possible importance to the British Government as the imperial power in the country.

12. I was informed a day or two since that the Pitlad coolies, regarding whom I wrote in my letter of the 26th April last, are still out in British territory, and decline to return to their villages.

13. I also forward for Your Highness' perusal copy of an anonymous petition, which I received yesterday by post. It sets forth the alleged grievances of certain military Sirdars and Silledars of Your Highness' service in the contingent of 3,000

horse and elsewhere. I beg to say that I have frequently of late brought to the Minister's notice the common rumours that I have heard regarding the two years' arrears of pay of these men, and the loss of hereditary places and allowances, which some of them are said to have sustained; and as the matter is one of very great importance I bring it to Your Highness' notice.

14. I brought to the notice of Government the contents of my letters to Your Highness' address, dated the 15th and 26th of April last, above referred to, and, with reference to the alleged oppressive taxation and other complaints referred to therein, His Excellency the Viceroy and Governor General in Council has desired me to make known to Your Highness "that the "Government would view with much concern "the establishment or perpetuation in His Highness' territory of a system (of "taxation) which would not only cause much suffering to his own subjects and "destroy the prosperity of the State, but must inevitably operate to the injury of "our own adjoining districts."

Extract from Government Resolution, No. 3497, dated 6th June 1873.

*Paragraph* 5.—"It should be pointed out to the Gaekwar that in 1867 the "Government of India conceded to his brother, the late Gaekwar, the privilege of "selecting his Dewan in freedom from any interference on their part. They did so "on the understanding, if not condition, that His Highness would be personally "responsible for the conduct of affairs, and would give due weight to advice offered "by the British Resident. Influenced by the same expectation, the present Govern-"ment has recently conceded the same freedom of selection. His Excellency in "Council, therefore, must rely on His Highness giving due weight to the suggestions "which may be submitted to him by Colonel Phayre."

I have, &c.,
(Signed) R. PHAYRE, Resident.

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No. 107–573, dated Baroda, 28th June 1873.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of the correspondence as per margin, I have the honour to report, for the information of His Excellency in Council, the following conversation which I had with His Highness on the several subjects alluded to therein, because it seems to me to be of importance to keep the Government fully acquainted with the results of the present Gaekwar's administration, as they continue to manifest themselves from time to time.

Telegram, dated 24th June 1873.
Letter No. 103–552, dated 25th June 1873.
Endorsement No. 106–561, dated 26th June 1873.

2. His Highness paid me his usual visit yesterday morning, and I at once alluded to his having sent for the five Thakoors from the Beejapoor District, and expressed the hope that he would be able to adjust matters with them. His Highness said that he had adopted my advice in sending for them, and that he would hear all they had to say, but that he would never remit the Nazarana due by them on the occasion of his accession to the throne. He said, in reply to questions from me, that this allowance had never been levied before, but that his brother, Khunderao, had levied a similar tax in another form. He then asked me if I saw anything wrong in his having levied an accession tax. I replied that I saw nothing wrong in an accession tax *per se;* the real question was, whether men in the position and circumstances of the Thakoors in question were able to pay it, in addition to other heavy taxes superadded to the usual land assessment. He declared that no such cause existed, that it was pure resistance to lawful authority, and that the people of the Beejapoor District were given to be rather independent in these matters; that the Thakoors in question are Kolis, not Rajpoots, and that they rely on the strength of the country in their neighbourhood. I replied that in 1837 these Thakoors, or some of their brethren, had given an immense amount of trouble, and that a good deal of bloodshed had taken place owing to interference with what they claimed as their hereditary rights; I hoped, therefore, that he would allow the present aggrieved persons to speak out fully in his Durbar, and unburden their minds of everything they had to say, because it seemed to me to be unlikely that for the small sum of rupees 1,100, payable by five leading men, they would go into outlawry, and thus, to say the least, become great losers. His Highness said that he had followed my advice in sending for them, and that he would hear what they had to say, *but that he would never give up his right.*

3. I then changed the conversation to the question represented in the petition of the Sirdars, and I recapitulated a conversation which I had had, regarding their affairs, with the Minister on the previous day, because I could see that there was a good deal of concealment, and want of clearness in explaining their case, that did not look well.

4. In substance, however, His Highness informed me that one of his first measures on coming to the throne was to look into the accounts of the State, when he found that it was in debt to the extent of *two crores*. As I thought I might have mistaken His Highness, I asked him if he meant that there was really a debt of two crores when he came to the throne, and he said yes. I then asked, "How much do you owe now?" His Highness replied, "I have paid it all off." I said that, on reading over the old records, I have learnt that the Resident was to have free access to the accounts, and that I should like to understand this business. His Highness replied, "An account has been given annually to Colonels Barr and Shortt during my time, which you will find in your office." I said that I would call for it.

5. His Highness continued—that, in consequence of this debt, he about two years ago began to look at the accounts of alienations, civil list allowances to retainers, &c., and he found a large number of Sirdars and Pagadars, &c. (not belonging to the Contingent of 3,000 horse, he assured me, but some of whom I have reason to believe do), who were in the receipt of considerable allowances for doing literally nothing, and that he then and there pensioned off a considerable number, on either half-pay, or more or less, according to length and kind of service. His Highness declares that he at the time announced this proceeding to the whole of the persons concerned, including several of the most influential Sirdars in the State, Mussulmans and Mahrattas. The Minister had told me the same story on the previous day; with the important exception that the great Sirdars had *not* been pensioned two years ago, but that a number of Silledars had been. I asked His Highness whether he was quite sure that these people had clearly understood this, two years ago, because they all, it would seem, utterly denied it, and claimed two years' arrears of full-pay, in lieu of which he had offered them one year's half-pay with a promise of paying the other year's half-pay shortly. His Highness replied that they were all formally made acquainted with his decision by the Commander-in-Chief and the Furnavis (I think he said). He then asked me, as his Minister had previously done, what my advice regarding the matter was. I replied that His Highness' object in reducing unnecessary State expenditure was of course a very proper and legitimate one, but that it was necessary in making large and important reductions amongst hereditary servants of a State to protect present occupants and their families from a downfall into absolute ruin; that there were numbers of instances on record, showing how the Gaekwar Government had managed such matter in communication with the British Government during the early part of this century. I said that I had heard a good deal of late regarding the discontent of about a thousand Sindees and others who, together with their Sirdars, declined to take the half-pay which His Highness had offered, and demanded the whole as their just due. I advised His Highness to give them all a full hearing in open Durbar, and not to repudiate any Sanads that they might have in their possession; and to bear in mind the principle that, in great changes in States, individuals of all ranks and families were always protected from personal ruin, and that great caution and liberality were needed in so delicate a matter.

6. The fact is that these men, who claim to be the descendants of those who won the Gaekwar's possessions for him, have seen how the bankers of the State, the principal traders, Jagheerdars, Zemindars, and many Pagadars and Silledars of the Contingent of 3,000 horse have been treated of late by His Highness, and having already forestalled their two years' full-pay by borrowing it from the Baroda bankers, they are not disposed tacitly to submit to the same treatment, inasmuch as they deny having received any communication whatever from the Gaekwar Government of the nature alleged by His Highness and the Minister to have been made to them.

7. In endeavouring to account for the present unsatisfactory state of affairs generally, it has caused me deep regret to discover how completely all that formerly constituted the reins by which the imperial power checked and guided the Gaekwar State have been let go, the result being the inordinate ideas which the Gaekwar now entertains of his independent sovereignty, and the lawless practices into which he has consequently fallen towards his own subjects.

8. By the term "reins," which I have just used, I mean the stipulations which the Honourable Mountstuart Elphinstone made with the present Gaekwar's father, Syajee Rao, when he handed over to him the internal management of the affairs of his State in 1820, viz.:—

(1.) That all foreign affairs should remain as hitherto under the exclusive management of the British Government.

(2.) That His Highness Syajee Rao should not be restrained in the management of the internal affairs of his State, provided he fulfilled his engagements to the bankers, for the due performance of which the British Government was guarantee.

(3.) That the Resident should be made acquainted with the plan of finance which His Highness might determine on at the commencement of each year, and should, whenever he chose, have free access to the accounts, and should be consulted by His Highness before incurring any new expenses of magnitude.

(4.) That the guarantees of the British Government to Ministers and other individuals should be scrupulously observed.

9. So far as I am able to judge from the records, the first and third, which are the most important of these stipulations, are at the present moment a dead letter, and have been so for the last fifteen years and upwards, with the exceptions which will be explained. Hence the want of reliable official information on the Resident's part, his entire ignorance of the most important State transactions, and, as a natural consequence, his loss of influence over the Gaekwar, who has, for a long time past, been carrying on the work through the Resident's office establishment, instead of the Resident.

10. By the term foreign relations, I understand relations with all States in foreign Guzerat, even though tributary to the Gaekwar, as well as the more distant States in India; and it is to the former that I particularly refer when I say that our exclusive management of them is a dead letter. I hope within a few days to be in a position to address a separate report to Government upon this subject, showing that, owing to our not maintaining a sufficiently authoritative attitude with regard to the final settlement of boundary and land disputes, Giras and Wanta cases, questions of jurisdiction, &c., &c., between the Gaekwar Government and its neighbours, there is an extensive failure of justice, affecting many thousands of poor people; because Gaekwar Government, in order to prevent the settlement of such questions, or evade the execution of decisions regarding them when adverse to their side, raise all sorts of frivolous excuses which can only be put down by the Resident, under the authority of Government, being empowered to insist upon the award, and decisions on such cases being carried out after certain conditions have been fulfilled. The question is a large, and has been generally supposed to be an intricate one, but I can assure the Government that all difficulties will be removed and the whole country be soon tranquillised by our authoritatively announcing to the Gaekwar Government that they are independent in the management of their internal affairs, so long as the laws of humanity and civilization are not violated by them, but that in all matters of an international character, in which the interests of Foreign States are concerned, as well as their own, they must submit to the decisions of the Resident on the part of Government as final, and not, as at present, protract land and boundary disputes and all kinds of petty questions for years and years, solely with the object of retaining possession of lands or huks which have probably come into their hands by acts of aggression. Unfortunately, as I think, Government has not been made acquainted with one half of the frivolous objections and obstacles whereby the Gaekwar Durbar has been in the habit of opposing progress; and I believe I shall be borne out by neighbouring Political Agents in the opinion that the case admits of no delay, no middle course, but simply that in questions of an international character they must obey the orders of Government at once through the Resident, or incur the indignity of having those orders enforced against their will. Two of the Gaekwar's principal advisers at the present moment are men who, having been discharged from the Government service, delight in throwing every possible difficulty in the way that they can.

11. With reference to the stipulations which affect the account of the Gaekwar State as specified in paragraph 9 above, viz.,

That a plan of finance is to be submitted to the Resident;

That he is to have free access to the State accounts;

That no expense of any magnitude is to be incurred without consulting him;

I have the honour to submit that I have not been able to find any plan of finance on the records which would give the least idea as to the actual financial condition of the State.

12. Paragraphs 20 to 22 of Colonel Barr's Administration Report for 1871 give no such clue. Colonel Shortt, in his report for the year 1872, says nothing whatever on the subject, and yet I learn casually from His Highness himself, when endeavouring to account for the discontent of his Sirdars and others, that on his accession to the throne, early in 1871, he found a debt of two crores of rupees, which he has cleared off between that time and the present.

I respectfully submit that it is essentially necessary for the Government to know how such a debt can have been cleared off in two years with an average income of Rs. 1,40,00,000 for the last three years, and a corresponding expenditure of Rs. 1,15,00,000.

13. It is important to remark that there has been no thorough audit of the revenue accounts for 10 years, and that His Highness Mulharrao has abolished the State banks. Most of the old hereditary bankers are ruined, and in their place there is a Government bank at Baroda, presided over by a private servant of the Gaekwar, named Wussunt Ram Bhow, a man who not long ago was selling cloth in the bazaar. It also requires explanation why branches of this bank have been established in foreign territory, at Bombay and Surat, to which large quantities of specie have been sent. I respectfully submit that, in order to be fully acquainted with the financial scheme of the Baroda State under its altered aspect, it is necessary for the Resident to be officially informed on these matters, before taking any steps regarding them. However, I lay the matter before Government for consideration and orders.

14. The treatment which the old established State firms of Hurree Bugtee and Samul Bechur have received at the hands of Mulharrao reminds one of occurrences in Europe 600 or 700 years ago. The present head of the latter firm being a British subject, with branch banks at Ahmedabad and Bombay, I went into the case in the hope of effecting an adjustment, but both the Minister and the Maharaja were obdurate in the extreme, and deliberately repudiated *boná fide* State debts incurred with the firm by both Syajee Rao, the present Gaekwar's father, and his brother, the last ruler. In fact, during one or two interviews which I had with them upon this case, I was forced, by their own acts, to the conclusion that the sort of government that they were carrying out was nothing more or less than a deliberate system of plunder. I, however, entertain the hope that in cases of notorious injustice, such as that to which I refer, and a few others in which Government has already felt bound to interfere with direct advice, the Gaekwar Government will be compelled to pay its lawful debts to British subjects, and, indeed, others also.

15. With regard to the Resident being consulted before any expenditure of magnitude is undertaken by the Gaekwar, I have the honour to bring to the notice of His Excellency in Council that I not long ago casually discovered that His Highness has commenced to build a new palace in Baroda, on a reduced plan of the Tuileries. No mention of this having been made in the Annual Administration Reports for 1871 or 1872, I conclude that the Resident was not consulted in regard to it. Considering that the private expenditure of the Gaekwar is said to have become excessive, the State to be in debt, the revenue accounts not to have been audited for 10 years, and, finally, that there is not a road in the country even marked out or cleared, and that life and property are insecure for want of a good rural police, it is not likely that the Government would have consented to this extravagance, there being a very good palace already in the city of Baroda,* and a new one named Mukkurpoora, which cost about 20 lacs of rupees, within five miles of it.

* *Note.*—There are two, one at the Motee Bagh, a very nice place, and beautifully furnished; total three palaces.

(Sd.) R. P.

16. What the estimated cost of the new palace may be it is impossible to say. It is a fact, however, that a great number of valuable houses in the heart of the city have been thrown down to make room for it, a merely nominal value in some cases, and in others nothing at all, having been paid for them. The private garden of a deserving old native officer of high family was seized by the Gaekwar for the purpose of transferring its soil to make a garden for the new palace. Though

the garden was purchased with the native officer's own money, yet I have failed to obtain justice for him as yet. A ward of Government is also part owner in this garden.

17. Even the partial insight that is obtained into affairs by common rumour goes to explain that the wholesale confiscation of the rights and property of all classes in the State, which has been and is still going on, has for its object the private gratification of the Gaekwar, not any great projects for the improvement of the State. Hence my earnest hope that Government may be pleased to resume the reins, and re-assert our lost ascendancy at the Court of Baroda, with a view to improving its relations with its neighbours generally, and leading it to fulfil its responsibilities as a first-class State.

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No. 113–599, dated Baroda Residency, 4th July 1873.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my confidential letter, No. 107–573, dated 28th ultimo, and with reference to paragraph 2, I have the honour to report that this morning a Vakeel appeared at the Residency on behalf of the five Thakoors in question, and as the Minister would attend in an hour or two, I ordered him to await his arrival.

2. When the Minister arrived, I called the Vakeel in and said that His Highness the Maharaja had already sent for the five Thakoors in question to appear in the Durbar, and that they must obey his summons; that a safe-conduct would be given to them. The Vakeel asked me then to read a list of their complaints; I had it read and took down each complaint, but told the Vakeel that I could not interfere because they were ryots of the Gaekwar Government, and that they must obey the Maharaja's order.

The list is as follows, which it will be seen differs considerably from what the Minister told me was the *sole cause of grievance*, viz., the accession Nazarana.

1st. The Thakoors complain that their original Jummabundee of Ghas Dhana payable to the Gaekwar Government has been increased for the last five or six years.

2nd. That Sirpao and Meswanee allowance has not been received from the Durbar since 1868.

3rd. That their Girass huks on certain villages have been reduced considerably by the levy of Inam commission fees.

4th. That considerable arrears of Girass dues are owing to them, and that they cannot get the account, though Nazarana, &c. are demanded from them.

5th. They have huks on certain lands of Durbar villages, but what with Salamee and new Inam commission dues, the ryots cannot pay the Thakoors their huks, which are thus nullified.

6th. The Durbar has taken possession of other Girass lands *in toto* and receives the rent of them. This has gone on for five or six years.

7th. Their Girass huks in the Kurree Mahal are in arrears for ten years and more.

8th. They have certain huks on grain of villages, a portion of which has been appropriated by the Durbar, which is unjust.

9th. The Durbar levies Inam commission fees on any lands they may mortgage.

10th. For the last five years the Thanadars have deprived them of all jurisdiction in their villages.

11th. The Durbar has appropriated the marriage tax which used to be a huk of the Thakoors.

12th. The custom of giving a personal safe-conduct to the Thakoors when they had matters to represent in the Baroda Durbar has been abandoned for the last four years.

13th. The Nazarana on accession to the throne is a new tax, and the Thakoors decline to pay it under the circumstances explained here.

14th. It used to be customary to summon our ryots through us; this has been abandoned for the last ten years.

15th. We have not only to pay all foot sepoys and sowars who come to us as mohasals, but in addition we have to provide food for man and horse.

16th. We, Thakoors, claim the intestate property of our ryots, but the Durbar has now deprived us of it.

17th. Thannahs for the collection of transit dues have been established in all directions, which are contrary to custom.

The Vakeel returned to Beejapoor to bring in the Thakoors to the Durbar.

Both His Highness and his Minister having persistently denied that these men have any grievance whatever, it is unreasonable to suppose that they will really settle the questions at issue between them, and, as many of the subjects of complaint are such as seriously to endanger not only the peace of the district in question, but our own also in the Ahmedabad Zillah and adjoining States under our management, I would respectfully submit for consideration that an authoritative mode of settlement is essential, and that should the Durbar fail to satisfy the just demands of these Thakoors, a Special Commissioner be forthwith appointed to settle the points in dispute; all expenses for his pay and establishment being defrayed from the Gaekwar's Kurree District.

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No. 118–608, dated Baroda Residency, 8th July 1873.

From Resident at Baroda to Secretary to the Government of Bombay.

In continuation of the correspondence detailed in the margin, I have the honour herewith to submit a translation of the Durbar's reply, dated 30th ultimo, to my yad dated 25th idem, copy of which has been already submitted to Government.

Letter to Government, No. 103–552, dated 25th June 1873.
Endorsement to Government, No. 106–561, dated 26th June 1873.
Letter to Government, No. 107–573, dated 28th June 1873.
Letter to Government, No. 113–599, dated 4th July 1873.

2. Whilst this yad was under translation the Vakeel arrived from the Beejapoor Thakoors and stated their complaints to be as reported in my No. 113–599, dated 4th instant, from which it is clear that their loyalty has not given way on the Gadi Nazarana question only, as I surmised from the first, but upon the same kind of systematic aggression on their hereditary rights which the Gaekwar Government is persistently carrying on in their own dominions as well as in the tributary states, in spite of our efforts to check it.

3. Precisely the same causes are applicable to the cases of the Pitlad coolies, and, I believe, of the Sirdars also.

4. I would submit that the most important sentence in His Highness' letter under report is that in which he says—"But if they should give me any trouble, the British Government will have to render assistance."

5. Thus His Highness, who is always strenuously asserting his right as an independent Prince to rule his people after his own fashion, and even contrary to our advice, appears to deem it obligatory on us to rescue him from the fruits of his misgovernment, when they threaten his existence as a sovereign.

6. Under similar circumstances in 1837, the Bombay Government wrote to the Political Commissioner in Guzerat as follows with regard to the present Gaekwar's father, Syajee Rao:

Political Department, No. 769, dated 1st May 1873, from the Secretary to Government, to Political Commissioner.

Extract paragraph 4.—"It must be plain to you that the British Government can never consent to aid the Gaekwar in quelling disturbances originating in wrong and oppression without being vested with full powers to act as arbitrators and to redress the grievances sustained."

And again, paragraph 7 of the same letter—"Although the British Government cannot permit these chiefs to take the law into their own hands, yet we are bound to remove the cause by affording justice to the aggrieved. It is clear that we cannot in a case of this kind allow the Gaekwar and his officers to act as they please; the general peace of the country and the public interests will not allow of our doing so, and if we stand neuter the strenuous efforts Government have been making for the pacification of the Mahee Kanta will all be rendered abortive."

7. I deferentially submit that this represents our position precisely. If we stand neuter any longer we cannot hope for that improvement in Guzerat, Kattywar, and other States which, as the predominant power, we are bound to bring about by our influence over the Gaekwar, as quite as much as over the Chiefs of Kattywar and others.

8. I see that towards the close of his letter the Gaekwar, when speaking of Pitlad, &c., says: "If you had made Government aware of the contents of that letter, they would not have had reason to make those remarks."

9. In reply to this, I beg to state that the letter in question was duly submitted to Government with my No. 76–418, dated 3rd May 1873.

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Translation of Durbar yad No. 1347, dated 30th June 1873, reply to Residency yad No. 1394, dated 25th June 1873.

PARAGRAPHS 1 to 11 of your yad are about the Beejapoor Thakoors. In my reply dated 30th April to your English letter of 26 idem, I gave you all the information about the Thakoors. Several Thakoors of the same standing as the Beejapoor Thakoors have paid the Gadi Nazarana, but these obstinately refuse to do so. If they are once exempted from the taxation which is levied from others, they will get into the habit of disputing every lawful right of Government; but, to ascertain the existence of any real cause of complaint to pay the Gadi Nazarana, I have sent for the Thakoors. When they present themselves I shall hear all they have to say and pass a final decision.

On Thursday, the 26th June, I had a conversation with you on this subject; you will remember that I then informed you that the late Maharaja had levied from the ryots a Nazarana of a different kind, and that in the same way I had resolved to levy this Nazarana. Hence you will perceive that I am not introducing any new system of taxation.

In your paragraph 12 you refer to the Pitlad coolies who have deserted their villages. Of these coolies several have been righted, and the complaints of others are being inquired into. I am surprised at your statement that this Government will be held responsible for any loss that these coolies may cause the British Government during their stay in British territory, when every effort is being made to deal justly with them; the coolies are still dissatisfied and prefer remaining there. If the coolies who emigrated to foreign territories insist that they will not be satisfied unless their demands are met, am I to give up my lawful claims? This is a question of importance. Were I to exempt these men from the payment of certain lawful demands, others will insist on similar exemptions, and that will make matters worse.

In paragraph 13 you allude to the copy of an anonymous petition which accompanied your yad. I have perused the petition. In it it is stated that three lakhs of rupees which this Government had to pay for the support of Rissala had been set apart for the maintenance of the petitioners, and such other mis-statements are also made; but as it is not known who the writers are, reliance cannot be placed on these statements.

I spoke to you on Thursday, the 26th June, also of the reduction made among the Silledars, and said that, as there were more than the required number of Silledars, I had reduced some and allowed only a sufficient number to remain. Those that were dismissed were useless servants, and for several years past have been drawing high allowances for services rendered by their forefathers to the State; but as I thought that there was no necessity for continuing such high allowances any longer, I have reduced them and allowed the Silledars an amount sufficient for their maintenance: the reductions made were there and then communicated to them through their agent (bukshe). The British Government grant pensions to those that have served them for a certain number of years, and for extraordinary services grant a good-service pension either for life or for two and three lives, but never do they grant a hereditary pension. This is how every State is managed; when you see that any unnecessary expenditure is incurred, when the State is in debt you curtail the expenses and clear the debt. The British Government have all along followed this principle. It is very necessary that I should look into the receipts and expenditures of the State and to its prosperity, and manage the State affairs in such a manner as to leave it uninvolved. I do not approve of the system of allowing high allowances to useless servants when the State is in debt. The late Maharaja left the State deeply involved, but I sold the State jewelry, and paid off all outstandings against the State, and do not wish to see it again in debt. If these men are unwilling to accept the reduced allowances that I allow them, they can send in their resignations, and their accounts will be settled at the old rates up to the date of their reductions. I do not wish to dismiss them. But if they should give me any trouble

the British Government will have to render assistance. One of my Sirdars, Rodhan Meea, died without leaving a male heir, and I did not fill up the vacancy thus caused. Was there any injustice in that? Of this, too, I had informed you, and therefore further remarks are unnecessary.

I have perused the extract of Government Resolution No. 3497, dated 6th June (quoted in the 14th paragraph of your yad), and understand that this resolution was passed on your informing Government of the contents of the two Residency yads dated 15th and 26th April respectively. These two yads were replied to by me in English on the 30th April. On a reference to that reply it will be seen that I have done nothing that would justify the remarks made in the first part of the resolution, viz., "that Government would view with much concern the establish-" ment or perpetuation of a system of taxation which would not only cause much " sufferings to his own subjects, and destroy the prosperity of the State, but must " inevitably operate to the injury of our own adjoining districts;" and if you had made Government aware of the contents of that letter they would not have had reason to make those remarks. I, therefore, request that you will kindly inform the Bombay Government of the contents of my English reference of the 30th April. As regards the latter portion of the Government resolution concerning the Minister, you will kindly inform Government that I shall act up to khureeta dated 2nd November 1872 (copy will be found at the Residency), sent in reply to Bombay Government khureeta No. 204.

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No. 33 T, dated Bombay Castle, 26th July 1873.

From Secretary to the Government of Bombay to Resident at Baroda.

I am directed to acquaint you that His Excellency the Governor in Council has had under his consideration your several communications noted in the margin, relative to the case of the Thakoors of Beejapoor, the complaints of certain Silledars and others, and the general tenor of the administration of the Government of the Gaekwar as you believe yourself to have grounds for regarding it.

1. Letter No. 103-552 of the 25th June 1873.
2. Memorandum No. 106-561 of 26th idem with accompaniments.
3. Letter No. 107-573 of the 28th idem, with accompaniments.
4. Letter No. 113-599 of the 4th July 1873.
5. Letter No. 118-608 of the 8th idem, with accompaniment.

2. The Government will at once place itself in communication with the Government of India on these important subjects, and will hereafter convey to you full instructions.

3. One point, however, presents itself in these papers with respect to which it is essential that any misapprehension on the part of the Gaekwar should be at once and clearly removed. In His Highness' yad of the 30th June last (No. 1347), speaking of the discontent existing among the Silledars, and vindicating the course he had pursued towards them, he goes on to say—"but if they should give me any trouble the British Government will have to render assistance;" and it is to be gathered from other parts of the correspondence that he had obtained previously from you authority to employ troops for checking disturbances in certain districts. There is therefore good ground for believing that, notwithstanding the repeated explanations that have taken place between the two Governments on former occasions, he deludes himself into the belief that the British Governmemt must preserve to him his position and his territories, no matter how objectionable his system of government may be, or how little disposition he may evince to co-operate with us for the good government of the country.

You will, therefore, take an early opportunity of pointing out to him, as by the express direction of this Government, that the relations between the British Government and that of His Highness are strictly relations of reciprocity, and that it is only by acting in harmony with our views, and by conducting his Government in a spirit which will be a credit to the protecting power, that he can expect to retain any claim to our protection and support.

4. The British Government will at all times, in the interests of the general community, endeavour to repress disturbances from whatever cause they may arise; they will undoubtedly not lose sight of any oppression or misgovernment out of which such disturbances may have arisen.

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No. 29 T, dated Bombay Castle, 26th July 1873.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to transmit for the information of the Government of India the accompanying copy of a letter from the Resident at Baroda, dated the 25th March last, No. 1, reporting the circumstance of the flogging in the streets of Baroda on the 18th idem of eight men accused with procuring the death by poisoning of a body-servant of His Highness the Gaekwar, the flogging being administered with such severity that one man, if not two, died while undergoing the punishment, or from the effects of it.

2. Copy of the letter* addressed to the Resident in reply also accompanies.

* No. 1 T. of the 23rd April 1873.

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No. 1, dated Baroda, 25th March 1873.

From RESIDENT at BARODA to GOVERNOR and PRESIDENT in COUNCIL, BOMBAY.

I HAVE already informed Your Excellency that I arrived here on the 18th instant, when I was introduced by Colonel Shortt to His Highness the Gaekwar, and on the following day paid the usual visits of ceremony to His Highness.

2. From that time to the present I have seen more of the Gaekwar than is usual, I believe, and I can plainly see, even after my present short period of communication with his Court, that he himself is the mainspring of every branch of his administration, and consequently that all real business will have to be transacted with him personally to be effectual.

3. His Minister, Nana Saheb, as he is called, is an easy-going, quiet man, of average ability, who is merely the mouth-piece of others. He is gentlemanly in his manners, and has been placed in his present position more as a good medium of communication with the Resident and English officers than for any inherent ability that he possesses as the Minister of a Prince holding the Gaekwar's rank and position. I believe him to be honest and well-intentioned according to his sphere of light and knowledge.

4. An opportunity occurred of my becoming more closely acquainted with the Gaekwar a few days ago, the particulars of which I will proceed to state for Your Excellency's information.

5. It will not surprise Your Excellency to learn that I receive a good many anonymous letters, all of which I have read to me, and keep by me. Amongst other incidents, one fact was mentioned, viz., that on the day of my arrival, 18th instant, eight men had been so severely flogged in the streets of Baroda that one died on the spot, another was said to have died in jail, and the remaining six were reported to be in a precarious state in jail, where their end was likely to be hastened.

6. A good deal of popular excitement prevailed about the matter, some saying that the men in question were murderers, others that they had been punished on suspicion only, and were innocent, whilst others said that there being no redress for such grievances, a general feeling of discontent had got abroad which would sooner or later culminate in rebellion.

7. Having ascertained beyond a doubt that so far as the flogging and fatal results were concerned I had facts to go upon, I resolved, in consequence of the exaggerated reports that were abroad, to ascertain the real state of the case, and I consequently addressed the following note to His Highness the Gaekwar :—

"YOUR HIGHNESS, Baroda Residency, 22nd March 1873.

"I HAVE heard that a case of flogging attended by fatal results took place in the city of Baroda on the day of my arrival here, the 18th. As British Resident I write to ask Your Highness whether there is any truth in this, because, it being matter of notoriety, my Government will be sure to require from me reliable information on the subject.

"I have, &c.,
"R. PHAYRE, Resident."

8. Within an hour His Highness drove up to the Residency, and when we were alone he said, in rather an excited manner, that he had come to explain personally the circumstances referred to in my note.

9. He said that a few days ago a confidential body-servant of his own, whose particular occupation it was to prepare his food and provide him with drinking-water, &c., had died suddenly after an hour or two's illness; that he felt very much startled and shocked at this in consequence of the man's near relation to himself as a confidential servant, and he even began to doubt whether it was not the commencement of some "fittoor fusad." These were the words used against himself, and consequently that he set his best men to make inquiries, sifting the matter generally, and ascertaining the cause of death, which, if caused by poison, was to lead to the most strenuous efforts being put forth to discover the murderers. The result of this inquiry was that eight men, some of whom belonged to his own household, were apprehended, and shortly after confessed their crime in having mixed arsenic with the food of the deceased. His Highness was at first advised to hang them all; this, he said, he declined to do, as he wished to see what information could be obtained from them in regard to their object, &c., &c. He, however, sentenced them to imprisonment for life; and that in order to deter others from committing similar crimes, he ordered the whole eight to receive one dozen lashes at each of the four main gates of the city, and one before the door of the murdered man's house. It was in undergoing this punishment that one man, who, His Highness said, he supposed was weak, died.

10. His Highness, who was all this time rather excited, then proceeded to say in an earnest tone of entreaty that now that he had given me the true account of the case (which I really believe it to be), he had a great favour to ask, which he hoped I would grant; and it was that, if in future I required explanation on any such subjects, I would not write to him, but either send for him or go to him myself, when he would afford what I required *vivâ voce*. I replied that my sole object in this matter was his own good, and that as his friend and adviser, I thought it was far better to be prompt in meeting such reports as had been fermenting in the place for three or four days than to allow them to do mischief. Hence my writing to him. He acknowledged that my inquiry was natural, but said something about the independence of his position as a Ruler, adding, however, that he had intended to mention this matter to me, and should have done so had I been alone when he last called upon me. He repeated his hope that I would not write upon such subjects, but speak to him personally instead, because he feared it would lower his authority over his people if they knew of it, as they must do through all the clerks, peons, &c. I said that I saw no objection to acceding to his request, and that I would, as a general rule, speak to him personally upon such subjects as well as to his Minister. He then said, "What shall I do with the note, tear it up?" I said that as the note had been sent he had better reply to it, which he said he would do.

11. I have endeavoured to explain, both to His Highness and his Minister, that questions which affect the general interests of humanity and civilization must always be regarded as important by the paramount power, and that on a recurrence of any similar events causing popular excitement and exaggerated reports the same explanation would be necessary.

12. Taking the whole of the circumstances into consideration, I believe that they will have a good effect in restraining the tendency towards a harsh rule, which, if all accounts be true, appears to be gaining ground amongst the Baroda officials generally. Indeed, I have been informed that some of His Highness' sowars and others have been making themselves disagreeable to officers when out riding, but that my predecessor rebuked His Highness on this account.

13. There can be no doubt but that a good deal of discontent is manifesting itself in different parts of the districts, in consequence, I believe, of confiscation of Inams and Jagheers, enhanced assessment, &c., but upon all these matters I shall be better able to report after a year's residence in the country.

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P.S.—I forgot to say that the following is a copy of the reply to my note written by His Highness:—

"I had one Tattia ba Powar in my service, upon whom I placed full confidence to look after my food and water.

" Certain people have been convicted of administering poison to Tattia, from the effects of which he died. They were liable to be hung, but I did not do this, but sentenced them to imprisonment for life, and to be flogged. One of them, being of weak constitution, died under the flogging. I have written this for your information."

The 24th March 1873.

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No. 1 T, dated Mahableshwar, 23rd April 1873.

From SECRETARY to the GOVERNMENT of BOMBAY to RESIDENT at BARODA.

I AM directed to acknowledge the receipt of your confidential letter No. 1 of 25th ultimo, in which you report the circumstance of the flogging in the streets of Baroda, on the 18th March, of eight men accused with procuring the death, by poisoning, of a body-servant of His Highness the Gaekwar, the flogging being administered with such severity that one man, if not two, died while undergoing the punishment, or from the effects of it.

2. I am now directed to inform you that the Government cannot rest satisfied with the explanation of this matter which has been rendered by His Highness the Gaekwar. You had been informed by an anonymous letter that while one of the persons flogged had died on the spot, another was said to have died in jail, and the remaining six to be in a precarious state; The Gaekwar's explanation, as reported by you, gives no information except as regards the prisoner who died.

3. It further does not appear under what judicial procedure the prisoners received their sentences, by what steps the Durbar ascertained that the Gaekwar's servant had really died from the effects of arsenic, in what way the confessions of the accused were obtained, and what was the exact nature of the admissions made by each of the accused. On all these points the Government desires to receive information.

4. As regards the form in which references should be made to His Highness, the Government is not prepared to accede to the proposal that in grave cases of this nature the applications of the Resident should be made verbally only. The Government has no desire to check the personal intercourse of the Gaekwar and the Resident, from which there is good reason to expect advantageous results; but it is necessary, in respect to investigations and other matters of serious importance, that the main facts should be stated in writing, in order that the Government may be clearly informed of the true bearings of the case.

5. The Government cannot by any means regard such an investigation as the present as one of a confidential character. A Native Durbar, with which this Government has very close relations, is publicly charged with acts which, as represented, are in the highest degree reprehensible, and His Excellency in Council therefore feels it incumbent upon him to make the Gaekwar clearly aware of the necessity for his submitting such explanations as will establish the propriety of the course which he has taken. You will be good enough to lose no time in bringing to the notice of the Gaekwar the purport of these instructions.

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No. 64 T, dated 29th August 1873.

From SECRETARY to GOVERNMENT of BOMBAY to SECRETARY to GOVERNMENT of INDIA, Foreign Department.

IT is with great regret that His Excellency in Council finds himself obliged again to address the Government of India on the subject of the mal-administration of the Baroda Durbar. The appended letter from the Resident, No. $\frac{144}{756}$ of the 18th instant, has brought to notice various cases which, if substantiated, will establish that gross oppression is committed, that the Ministers and other officers systematically receive heavy bribes in connexion with the sale of offices, and that large numbers of women are decoyed or forcibly taken from their families, and converted into Loundis or domestic female slaves.

2. These apparently well-founded allegations have reached the Government while other serious matters were still fresh in their memory. We have reason to believe that villages on our borders have been recently abandoned in consequence of oppression. We know that the Contingent has been seriously disorganized by the corrupt practices of the Durbar, and our representations have not in any case led to a satisfactory result.

3. It has been impossible for His Excellency in Council to avoid considering whether it is not now the bounden duty of the British Government to take some steps more effectual than mere diplomatic remonstrance to remedy the evils that have been brought to notice. Not only does responsibility of necessity accompany the protection accorded by a paramount to a subordinate State, but the respective duties of giving and receiving advice in matters of administration have been expressly provided for in the treaties and arrangements between the British and Baroda Governments.

4. The Gaekwar beyond all dispute holds his throne under distinct pledges of protection from the British Government on the one hand, and under equally distinct pledges to govern justly, and to be guided, even controlled, by the British Government on the other hand. So far back as 1802 * a Treaty declared that the East India Company "will grant the said Chief its countenance and protection in all his public concerns "according to justice, and as may appear to be for the good of the country, "respecting which he is also to listen to advice." And, in ratifying that Treaty, the reigning Gaekwar wrote on the 29th July 1802,†—"Should I myself or my successors "commit anything improper or unjust the English Government shall interfere, and "see in either case that it is settled according to equity and reason." By a subsequent treaty made at Baroda on the 21st April 1805, it was declared that the preceding "are hereby confirmed, and are to "bind the contracting parties, their heirs and "successors, for ever." This last Treaty was confirmed by another made at Baroda on the 6th November 1817. Subsequently, during the Government of Mr. Mountstuart Elphinstone, certain points respecting the administration of affairs were "settled" between him and the Gaekwar, and, on the 3rd April 1820, the former wrote—"Your Highness to choose your own Minister, "but to consult the British Government before "you appoint him." On the 8th February 1841, Sir James Carnac wrote to the Gaekwar—"I have spoken to Your Highness "on the nomination of a Minister. You are "aware that you are bound to appoint a person to this office, with the approbation "of the British Government. You inform me that you desire no Minister, and "that you will yourself transact all matters of business with the Resident. As a "mark of my friendship for Your Highness, I have consented to waive the demand "for this stipulation." In 1854, when the question of an appointment again presented itself, the Government, on receiving an acknowledgment that the choice was subject to its approval, waived its right to interfere. Again, in 1867, the Governor of Bombay informed the Gaekwar that he would be free to appoint his Minister without previous sanction, in the confidence that he was too wise to jeopardise his administration by an unfit selection, and that he would in future meet the Resident in a conciliatory and liberal spirit. Lastly, in the course of last year the British Government again abstained from interference with the Gaekwar's selection of his present Minister, on the clear understanding that he would himself be responsible for the consequences of his selection.

* Aitchison's Treaties, Vol. VI., page 295.

† Treaties, page 301.

Treaties, Vol. VI., page 318.

Treaties, page 336.

Treaties, page 340.

Treaties, page 354.

5. I have been directed to refer to these past transactions, in order that there may be no doubt as to the right and duties of the British Government in respect to the just government of the Baroda State, or as to the obedience in relation thereto to which the Gaekwar stands pledged, or as to the position in which he has voluntarily placed himself by assuming the entire responsibility for the appointment of the present Minister. Nor can it be forgotten that it is specially incumbent on the present Gaekwar to be guided by the advice of the Government by which he was taken from a prison, where he had been confined on charges never disproved, in order to fill his present position of power and influence.

6. It is to be gathered from the records of Government that in 1837 similar and continued acts of oppression committed by the Gaekwar's Government of that day were brought under the notice of the Court of Directors, who,* on the 10th April 1838, expressed their opinion that the conduct of the Gaekwar ought to have been met in a decided manner and at an earlier period, and that this Government and the Government of India had carried their forbearance to an unwise extreme, and that the grievances of our subjects and others entitled to our protection ought not to have been suffered to remain so long unredressed. The cases which Colonel Phayre has now brought to notice are in no respect of a less grave character, nor are they the first, and His Excellency in Council does not consider that it is of any material consequence whether the sufferers are our own subjects or those of the Gaekwar, or those of other States. The Government has promised to protect him, and make him govern justly.

* Paragraph 4 of a letter from the Honourable the Court of Directors, dated 10th April 1838, No. 24 of 1838.

7. I beg at this point to refer you to the second appended letter from Colonel Phayre, No. 146–762, of the 19th instant, in which the Gaekwar is reported to have demonstrated in oriental fashion his regret for past errors, and his desire to be entirely guided by the Resident's advice in the future. While pained by the account of such humiliation on the part of this Prince, His Excellency in Council is yet unable to regard it as in any way a satisfactory guarantee for future amendment. We cannot put out of sight the traditional policy of the Baroda Durbar in its dealings with Government. The history of the past is a mere record of evasion, duplicity, oppression, and corruption, followed by humiliating submissions intended to ward off the evil of the moment, and to give time for the resumption of the old practices. At the same time the abject behaviour of the Gaekwar fully justifies the belief that the complaints of his misgovernment have a very substantial foundation, and that he hopes thus to save himself and his Minister from the exposure to which further notice of their conduct must inevitably lead. The persons aggrieved have distinctly appealed to us for redress. If we neglect to insist on a formal and searching inquiry, we shall, in the opinion of this Government, be guilty of a dereliction of duty. We shall convince future sufferers of the futility of applying to us, and we shall afford the greatest encouragement to the Durbar to persevere in the system of misgovernment from which we believe the country to be suffering.

Since the above was written, another letter, No. 151–777, dated the 24th instant, of which a copy is enclosed, has been received from the Resident, giving a description of such gross oppression of large bodies of people as must remove all doubt, if any could before have existed, of the imperative necessity for our immediate and authoritative interference. It will be observed that this case was brought to light only a few days after the Gaekwar had prostrated himself before the Resident, and after he had formally assembled his ministers in the presence of the Resident, to whom he announced that he had brought them for the purpose of directing them that they were to attend to any advice or suggestions coming from him, and of informing them that reform was required, and that if anyone did not do his best he should be discharged. Nevertheless, two of these same ministers, when discussing this last case with Colonel Phayre, evinced the strongest disposition to evade, as far as possible, granting substantial redress to the complainants.

8. His Excellency in Council would have been very glad if he could consistently with his duty have rested content with the assurances of the Gaekwar, and trusted that the advice and representations of the Resident would for the future have sufficed to ensure good government on the part of His Highness. But His Excellency feels precluded from entertaining any such expectations, and fears that the Gaekwar will be unable, even if desirous of so doing, to introduce and maintain a proper system, or to check and punish the evil practices of his ministers and confidential retainers, some of whom are known to have been his evil advisers during the reign of his late brother. And I am, therefore, directed to apply for the authority of the Government of India to instruct the Resident to demand from the Gaekwar the immediate suspension of the Dewan and the Revenue Sir Soobah with his deputy, Narayen Bhai; the last, a man of bad character, dismissed from the service of this Government in the Rewa Kanta. The suspension for the present of these officers is the more essential, as I am further instructed to solicit from the Government of India, authority to appoint a British Commission for the purpose of inquiring into the system of revenue administration, and the alleged practice of the abduction of

females from their families for the purpose of converting them into Loundis. This Government attaches the greatest importance to the appointment of this Commission; and as the Gaekwar will be expected to render it every assistance in the prosecution of its inquiry, it is obviously desirable that his efforts to that end should not be thwarted during its progress by the ministers whom I have mentioned.

9. In conclusion, I am to state that His Excellency in Council is fully sensible of the very serious nature of the proposals now submitted; and presses them on the consideration of the Government of India, in the conviction that it is our bounden duty to ascertain how far the complaints made, which are quite consistent with the general opinion throughout Guzerat of the Baroda Durbar, have a substantial foundation; and if they should be proved, to devise means for the prevention of their continuance under the shelter of our protection.

His Excellency trusts to be favoured with a very early communication of the views of the Government of India.

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No. 144–756, dated 18th August 1873.

From Resident at Baroda to Secretary to Government of Bombay.

Within the last week several matters of importance have occurred, all of which are still pending, and may hereafter become subjects of reference to Government.

2. In the first place I brought three cases, of what appeared to me to be gross injustice to British and Mahee Kanta subjects, to the notice of the Gaekwar in the following manner:—

3. *First*, the case of a chumar named Mutwa Teesla, who, it appears, was most unjustly seized on a charge of defiling a temple near Attersumba by merely entering it. For this alleged offence the youth was seized by the Vativatdar, and Rs. 200 extorted from him; he was released on bail, and allowed to return to the Mahee Kanta. About a fortnight after, he was apprehended and told he must be sent to prison in Baroda, unless he paid Rs. 300 more. He had only Rs. 20 with him at that time, which he had paid, and gave a promissory note for Rs. 280; but, notwithstanding this, he was taken to Baroda, when in order to get rid of him *in toto*, and conceal the malpractices of the district officials, he was represented to the Maharajah by his Brahmins as having committed a grievous offence, for which the Maharajah, as he afterwards told me, in defence of his religion,* sentenced the youth to seven years' imprisonment. As soon as I heard of the case I demanded that the proceedings should be forwarded, and that the youth should be produced before me. The Maharajah came and spoke to me about it, and represented the offence as a very heinous one. I replied that, supposing any offence had been committed, which I did not admit, 500 rupees fine and seven years' imprisonment was an utterly disproportionate punishment for the kind of offence. His Highness replied that he knew nothing of the money part of the business, but that he himself had given the youth seven years' imprisonment. I suggested in reply that even six months would be heavy, supposing a real offence had been committed; and that he and his people had no right whatever to try and punish British and Mahee Kanta subjects without reference to the Resident, and satisfying him as to the justice of the procedure. That evening the boy (20 years of age) was released, and I took down his statement, and am endeavouring to recover the money and obtain punishment of the Vativatdar. A reference to the Political Agent, Mahee Kanta, has been made.

Note.—The evidence since obtained shows that the man passed it only within 50 yards distance, and was seized for purposes of extortion, because it was supposed that his father had saved money.

* I consider that the religious action of His Highness is especially worthy of note. He is completely under the influence of Brahmins in certain senses, *vide* the general fast case and this, &c.

4. The *second* case is that of a boy who has been thrown into prison for having written to a relative at Ahmedabad, saying that the Maharajah had taken a certain girl, a relative of some person or other connected with the family, into his carriage, &c. The mother petitioned to me, saying that she and her son are both British subjects. I have sent to the Collector at Ahmedabad to obtain proof of this, and if the boy turns out to be so, I shall demand the proceedings in the case and his surrender pending inquiry.

5. The *third* case is one in which a Parsee, who claims to be a British subject of the Surat Zillah, has been seized and imprisoned and severely beaten by the Gaekwar officials at Naosari for no reason that appears in evidence, except that he refused to pay the Vativatdar of Naosari a bribe in a civil suit about his wife. I have sent this case to Mr. Hope to ascertain whether the man is a British subject or not; but I ordered his release pending inquiry, which has been granted.

6. The next case is that referred to in the accompanying petition, marked A., which may turn out to be serious, owing to the importance to both the British and Gaekwar Governments of the questions which it involves. When His Highness paid me his usual visit on Monday morning last, 11th instant, I mentioned to him that I had received an authentic complaint against his Minister for bribery, which I believe to be true, not only from the evidence adduced, but because I had heard so many similar complaints from reliable sources, all of them pointing to the fact that the Minister was in the habit of receiving large bribes; I added that, unless the system was put a stop to, the country would be ruined. I spoke most seriously but kindly to His Highness, and pointed out that unless he put a stop, not only to the Minister's proceedings in this direction, but also to those of the whole of his Durbar officials, and redressed the wrongs that had resulted therefrom, matters would assuredly become worse and worse. I added my advice that he should issue a proclamation on the subject of bribery. His Highness then inquired the name of the Vativatdar who had complained, &c. I asked him if he would really inquire into the case, and not proceed to punish the complainant for coming forward instead of giving him a fair hearing. He promised me faithfully not to injure the complainant, and I then disclosed his name and the main facts, as set forth in the petition, into which he promised to inquire. He wished me, he said, to ascertain from the complainant why he was turned out of his Vativatdarship, and whether he could prove having given the bribe.

7. On Thursday, the 14th instant, when His Highness visited me again, I produced the petition itself, and said that the petitioner alleged that he had not been turned out for any fault, but arbitrarily; and that he could produce reasonable proof of his having paid the bribe, the amount of which he borrowed from a respectable banker of Ahmedabad.

8. His Highness then said that he had made inquiries amongst his officials, and did not believe the accusation. That he had himself,* about a month ago, taken away the Soobahship of most of the Mehals from the Minister, his daughter, and the Senaputty, who had held them, and that he had made other arrangements. His Highness then changed his manner altogether, and assuming the gesture of a suppliant, by joining his hands, begged of me not to push this matter, that the Minister was his relative, and that his dishonour would be his own; that he had put in three relatives of his own into the first places in the State, viz., the Minister, the Senaputty, and his daughter, and had aroused a good deal of odium thereby, but that they were the only persons in whom he had any real confidence. He begged that I would only speak of the matter to him privately, and not take any public notice of it whatever. I replied that he must act in this matter as I requested him to do, otherwise the country would soon be depopulated; and that, if he gave his consent, I would endeavour to compel certain of his officials, who had sent their money into British territory, to disgorge it, and that in this way I had been told that some 15 or 20 lakhs at least might be obtained. His Highness gave his cordial assent to this, which, he said, was clearly for the good of himself and his State; but after a moment he said earnestly—"Don't seize my money that I have in Bombay and at Surat." I said that I had no intention of the sort; on the contrary, that my attention was solely directed to the Minister's store sent to Rajapoor, or to his village near it in the Rutnagiri District, and to Narayen Bhai's ill-gotten gains in British territory at Neriad. His Highness fully entered into this part of the scheme, but again entreated me to save the Minister. I replied that, under any circumstances, I must record the matter officially in a yad to the Durbar, more especially as on the previous day I had received another petition from a British subject through Mr. Hope, the facts being much the same as in petition A., viz., that complainant

* This is the cause of some new men having been turned out, and the old men put back again. The Gaekwar knows nothing of the bribes, and hence the outcry of the men, who have paid for their places, and yet been turned out. This practice has been carried out everywhere, and the sums said to have been amassed by the Minister and Narayen Bhai, Deputy Revenue Commissioner, are immense.

had paid for the privilege of farming two Mehals in Naosari for five years, had paid the Minister Rs. 5,400 or so, and yet had been turned out arbitrarily* after a month and eight days, consequently he claimed the return of his money.

* See cause given in note to this paragraph above.

9. His Highness fails to see that he has himself been unwittingly the cause of this explosion, by interfering with the Minister's original distribution of the Mehals, of which he held the lion's share, and abused his trust so extensively, much in the same way in fact as he is known to have acted in regard to the Contingent.

10. This second instance seemed rather to convince His Highness at first, but just as in the Seward case, when he is determined to find an excuse, he will, and therefore said—"Oh, the Rs. 5,400 must be security!" I merely replied that I expected him to investigate both cases, and to do justice. He then left, and I sent in a formal yad, referring both cases for his inquiry.

11. About two hours afterwards the Dewan himself came to pay his daily visit, and he at once opened the bribery subject, by saying that the Maharaja on reaching home about two hours previously had sent for him, and, being very angry, had charged him with taking bribes, and not crediting the money to the State; moreover, that the Resident was going to make the persons in possession of the money give it up. The Minister then proceeded to deny to me that he had ever taken any bribes, and declared that he did not even know who the Surat petitioner was, though he might be a sharer in the farm of the Mehals in question. He said that the Maharaja, on his first accession, had made him a present of a lakh of rupees, and since that he had given him about Rs. 50 or 70,000 more for a house, temple, &c. at his native place. I told him plainly of the repeated reports I had heard of his own acceptance of bribes, as well as the rest of the Durbar, and that under all the circumstances of the outcry of the people, and of the principal persons in the State, I considered that a general inquiry should take place, and that I had recommended the Gaekwar to issue a proclamation inviting any person with complaints of bribery and extortion against Durbar officials to come forward. At the prospect of this the Minister fairly broke down, and for the first time since I came to Baroda he appeared to be humbled. He joined his hands together, and said that, if I did not screen him now, he would go down. That he had great number of enemies, all of whom would come forward. That there was no necessity for my sending on the Surat petition, or that of Sayta Bhai *officially*, but that all could be settled with the Gaekwar *privately*. *I said that I did not wish to be severe* with him; that my sole desire in all my acts was to see justice done to the country generally, and to the people who were suffering from the abuses pointed out; that I must bring everything to notice, and that there must be an official record of everything of importance; that it was for want of this that so much mischief had been already done. He then left.

12. Next morning I received information that the Minister had made arrangements to inveigle Sayta Bhai, the complainant in petition A., to Broach, in order to pay him his Rs. 10,000 and a present there, and get rid of him, but I foiled this manœuvre by sending Mr. Boevey to the station to watch the party, who ran off to the city directly they saw him. Thus Baroda rupees render it very difficult to obtain evidence. I have, however, secured Sayta Bhai in camp.

13. I also received the following anonymous intelligence of the steps that were being taken in the Dufturs in consequence of my communication to the Gaekwar. I am always kept well informed of Durbar proceedings, and the facts stated may be relied on as mainly true, though the signature is assumed :—

Dated Baroda, the 15th August 1873.

From Bulwuntrao Yeshwunt, Fouzdar, to Resident at Baroda.

I most humbly beg to lay before Your Honour the following few particulars :—

1st. Govindrow Mama and several other Karkoons are busily employed in changing altogether the accounts, documents, and proofs for the immense bribe taken by Khanvelkur in Sincarwada and in the Wada of Dewan.

2nd. It is ordered by Khanvelkur that Chudnuvis and Shiladar Baksi may prepare new papers and writings, altogether changing the former ones, on the grounds that all the Sirdars, &c. are dismissed from Sunvut 1928.

3rd. Govindrow Senaputty is appointed to bring timely news from Bombay.

4th. Upon the third storey of the house of Bhagochund Savey several clerks are engaged in changing his accounts' records in the same way others are ordered. I long for your prosperity.

14. I have been obliged to write to His Highness about the system that has lately come into vogue of seizing married and unmarried girls, and making Loundis or household slaves of them. In 1856* the Gaekwar Government abolished slavery, yet of late it has been revived in the form which is explained in the accompanying translation of a yad and deposition of a Brahmin Karkoon of mine, which I forwarded to His Highness yesterday.

*1. Government of India letter No. 2011, dated 11th April 1856, Foreign Department, to Major Davidson, Resident.
2. Government of Bombay letter No. 2154, dated 5th May 1856, to Major Davidson, Resident, Baroda.

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P.S.—Last evening (Sunday) His Highness came to the Residency, and, as soon as we were alone, he threw himself at my feet, and, taking off his cap, burst into a violent fit of sobbing. He said that he had had no sleep for the last nine days, and that he had just seen an article in a native newspaper, which he produced (*Public Opinion*), to the effect that, in consequence of his resistance to the repeated reasonable demands of yad on him, he would be dethroned. That paper will be the subject of future report; to-day I despatch this to save the post.

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A.

Translation of a Petition, dated 5th August, from SAYTA-BHAI DULABHAI, residing in Pelunggaom, Purgunnah Pitlad.

STATES that the Dewan has treated him very unjustly in several cases, owing to which he has suffered great injury, and is likely to suffer more wrong. He therefore thinks it advisable to petition the Resident, who, next to God, is the only one who can redress his wrongs; requests therefore and hopes that the following circumstances will be taken into consideration:—

He was appointed Vahivatdar of Khyraloo Mahal for a term of five years, on paying the sum of Rs. 10,000 as sukdi, and obtained a guarantee from the Dewan. In the guarantee the period of his tenure of office was entered as one year only; against this he protested, but was told that that was the practice, and that he would, nevertheless, be allowed to hold office for five years on renewed guarantees; this satisfied him, and he paid down Rs. 10,000 to the Dewan, and Rs. 1,500 to Narayen Bhai, Sulloobhai, the agent of the Sir Soobah (this man is one of the advisers of the Dewan). On the 8th of last Margeshwar Wud (December) he assumed charge of the Mahal; this Mahal is the least of all the Gaekwar's Mahals, and the people in it are very ignorant; but he managed the Mahal so well, that although several ryots of the other Mahals decamped, not a single man of this Mahal left his village, except a few men of the village of Dabhoda, who had left before his arrival, but by his persuasion even those men returned. Notwithstanding all this, in Ashad Shud (July) he was relieved of his duties, and another person appointed in his stead. Petitioner was then ordered to proceed to Baroda, where he was continually fed on promises; after awhile petitioner demanded that the amount which he had paid as sukdi may be returned to him, whereupon he was ordered to deliver over charge of his Mahal to the new Vahivatdar; he replied that he had given over charge to the 1st Karkoon. No attention was paid to what he said, and he was ordered to go personally to make over charge to his successor; but he (petitioner) is informed that steps have been taken to prevent his return, so that he may not have an opportunity of complaining about this money. Requests that the Resident will inquire into this matter, and order the money to be refunded to him.

Further states that the Tussani work of the Pitlad Mahal was also entrusted to him, and he still holds it. The Patel of the village of Wassogaom, Ambaidass Jewabhai, has been appointed Vahivatdar of Pitlad, on paying Rs. 25,000 to the Dewan, who has given him (the Patel) permission to receive bribes. Petitioner being the Tupasin officer of the Mahal, could not but receive complaints brought to him, redress the wrongs of the ryots, and bring to light the evil practices of the Vahivatdar. The Vahivatdar complained to the Dewan of petitioner's interference, and the Dewan on two occasions ordered him not to take notice of the Vahivatdar's doings, but he replied that as Government had appointed him as Tupasin officer, he considered it his duty to take notice of such illegal proceedings. Owing to this difference between them, a criminal was induced by promises of pardon to prefer a false complaint against petitioner; he did so, and the Dewan took up the investigation himself, and during the trial did many things which were illegal and against the orders of Government in order to injure him. Of this scheme he will say more hereafter.

I have, &c.,
(Signed) SAYTABHAI DULABHAI.

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Dated Baroda Residency, 15th August 1873.

From ASSISTANT RESIDENT at BARODA to His Highness the GAEKWAR.

HAVING lately received several complaints from persons residing in Baroda to the effect that their wives and other relatives have been seized by Your Highness'

officials, and carried off to serve as Loundis in Your Highness' household, I think it right to address you on the subject with a view to arriving at the facts of the case, because it will be in your recollection that, on the 12th March 1856, slavery was abolished by proclamation in Your Highness' dominions.

2. There is, however, this difference between the kind of slavery which was practised in 1856, and previously, and that which now obtains, viz., that human beings were then bought and sold as slaves throughout Your Highness' territory, whereas *now* married women, as well as young girls, are said to be seized by Your Highness' officials and carried off from their husbands and parents to render the forced service of Loundis in Your Highness' household.

3. The number said to have been deprived of their liberty in this manner amounts to between 400 or 500 women and girls, most of whom are only 22 years of age and under. I know this to be one of the grievances under which your subjects now labour. If it is true, it is contrary to that freedom which Your Highness' predecessor proclaimed and ratified.

4. I will not enter here into the details of the question about the two girls brought to Baroda territory from Kattywar about three years ago, regarding whom a separate correspondence is now being carried on, but I will quote instances which have come under my notice.

5. A Soonni by caste, named Kaysorbal Jetha Shrimali, has complained to me that his wife, by name Surruj, about 22 years of age, who was taken from him by one Runchord, has been made a Loundi under the following circumstances:

6. Runchord and Gopi, who are the sons of the notorious Bhugwan Dass Ragonath Dass (who was imprisoned for five years in 1863 for aiding and abetting conspiracy, and died in prison,) are neighbours of the complainant, whose wife Surruj was seduced and carried off by Runchord in April last, together with ornaments, clothes, &c. Some time elapsed before the complainant could obtain any clue to the hiding-place of his wife, but he at last discovered that she was living in a garden lately given by Your Highness to Runchord and Gopi on the road to Mukunpoor. The complainant obtained the assistance of a police peon, and went to arrest the girl, but Runchord's servants declared that they would not allow her to be arrested without orders from their master. Runchord was sent for, and, when he came, threatened complainant, who was obliged to withdraw. Complainant then went to complain to the Fouzdar, and Senaputty, and finally to Your Highness, who on that occasion was accompanied by the Minister and Hiesiba Doda, and others. Complainant represented his circumstances, and Your Highness asked Surruj where she had gone to after leaving her husband. She replied that she had gone to Bombay because her husband beat her, and did not give her food and clothing, and that for this reason she had gone to live with Runchord, and that she wished to stay with him. Complainant was then sent back to Senaputty's *kutcherry*, and was eventually told that his wife could not be restored to him, or any of his property; that she had been sent to the Nowa Wada as a Loundi; that she was in charge of Wussuntram Bhow. The complainant states that he accordingly went to Wussunt Ram Bhow and demanded his wife, but was told in reply that she was made a Loundi, and that he could not have her. He then demanded her ornaments, but was told that a Sirkaree Loundi must have her ornaments. Though the woman is a Loundi, yet she is permitted to visit Runchord, who lives close to the complainant, and thus this scandal goes on before all the neighbours.

7. The next case is that of a woman named Mahalsabee, who states that she is an inhabitant of Rampoora Bhompoor, of His Highness the Holkar's territory, and lives near Nuzarpaga. That she and her daughter gain their livelihood here by grinding corn for the *jogis* of Ramnath, and other daily labour. That three or four days ago her daughter was carried away by Sirkaree sepoys; that she wandered about the city in quest of her daughter for three days, when she came home with a sepoy to see her. The girl said that she had been taken by a Karkoon of the Senaputty to Wussunt Ram Bhow (His Highness' private servant), who placed her in Nowa Wada as a slave girl. She told her mother that she would commit suicide rather than remain as a slave girl, but her mother told her to remain quiet. The sepoy then separated them forcibly, saying that the time was up. She is always being flogged

for her resistance to become a slave girl. Complainant states that her daughter is about 17 years of age, and that she is the wife of a Jaghirdar in their own territory of His Highness the Holkar. Complainant entreats that her daughter may be restored to her.

8. A third case is as follows :—Last Sunday, a young active-looking man came running to the Residency from the city, and told me that some Sirkaree sepoys had seized his wife to make her a Loundi. That he and his wife had never been parted, and that if he could not get her back they might kill him, or blow him away from a gun. He gave the name of Kondajee. I told him to come the next day, and that I would represent his case; and he has again appeared to-day to repeat his request.

9. I beg, with reference to this and other instances which might be brought forward, to state that in 1856 it was not the mere buying and selling of human beings that was abolished, but slavery in any form; but if the kind of slavery represented above exists in Baroda, I shall feel obliged by Your Highness acquainting me for the information of Government.

10. I had scarcely finished the above when my Karkoon, Bulwuntrao Ramajee, by caste a Brahmin, came in and represented to me that his sister had been seized by Govindrao Bulwunt, the Senaputty's Karkoon, and Damodurpunt Naynay, private Dewan of Your Highness. This girl is only about 13 or 14 years of age, and is married to a Brahmin named Rambhow Poohekur. She has been lost for eight days, and it is only to-day that the above-named persons offered to restore her to her husband if he gives bail, thus pretending that the girl had run away instead of having been kidnapped.

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Bulwuntrao Ramajee, Brahmin, age about 40, 3rd Karkoon in the Baroda Residency Office, on solemn affirmation saith :—My sister is married to one Rambhas Balkrishna. He is a clerk in the employment of Ramrao Jeiram, in the city of Baroda. Eight days ago I received information from my brother-in-law Rambhas that his wife had disappeared from his house. I made inquiries in every direction about my sister, but could get no information. On the 14th instant I received information from a person, whose name I do not now remember, that my sister was in the house of one Damodur Trimbuk Naynay, who holds the office of Khangee Dewan to His Highness the Gaekwar. Damodur Trimbuk is a married man, and has a family. I made inquiries from the persons who were living in the neighbourhood of Damodur Trimbuk's house, and satisfied myself that my sister was not in Damodur's house, but had been taken away to some place in the city. On the 15th instant, Govindrao Bulwunt, the Karbarree, of the Senaputty, sent a man to call Rambhas, my brother-in-law. Rambhas and Narrotum Warria went to the house of Govindrao. Govindrao then told Rambhas to come upstairs, as he had something to say to him, and he told Narrotum to remain downstairs. When Govindrao and Rambhas went upstairs, the former said that he had got my sister in his charge, and that Rambhas has to take her away. Govindrao said that my sister had gone astray, told Rambhas to forgive her, and not to beat her. Rambhas inquired where his wife was; Govindrao said that was no matter, but that if he would promise not to ill-treat her, that he would send her back to him. Rambhas refused to sign any promise or agreement, and left Govindrao's house and returned to me. I advised Rambhas to sign the papers required; whereupon Rambhas returned to Govindrao, and promised to sign the papers. As my sister was not restored to her husband, as promised by Govindrao, I came to the Resident and complained. The Resident thereupon wrote a note to Nana Sahib, Dewan, who sent for me, and I told him what I have now stated. Nana Sahib told me to go home, and said that he would make inquiries. About four hours afterwards I went back to Nana Sahib, who then told me that he had questioned Damodur about the matter, but that he denied knowing anything about it. I told the Nana Sahib to confront me with them. He said that there was no necessity for that; he told me not to be disturbed, and said that he would get my sister back. About 12 o'clock the same evening I received information from Rambhas, my brother-in-law, that his wife had been brought back to him in charge of a Fouzdaree Karkoon, named Kesheorao and a puttiwallah. Soon after I had received this message my sister appeared at my house. I inquired from her what had happened. My sister said that the city Fouzdar had just taken her deposition, and that she had been told by Damodur not to mention his name in connexion with this affair. My sister said that as she was going to her husband's aunt's house she was suddenly stopped by two sepoys, who took her up into Damodur's house, and that there she was placed in a room by herself, and guard was kept over her. From thence she was sent away to some distance to the house of one Bapoolal, who is a Karkoon of Damodur, and there she was visited by Damodur. I have no expectation of receiving any remedy for this grievous wrong in Durbar Courts, as Damodur is in His Highness' favour. I am a British subject, and I appeal to the Resident for justice in this matter.

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No. 146–762, dated 19th August 1873.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

REFERRING to the postscript of my letter, No. 144–756, dated yesterday, I have now the honour to report in detail the important occurrences which have taken place between Sunday afternoon, the 17th instant, and the present time.

2. I have already explained that during the week from the 11th to the 16th many matters of importance were brought under His Highness' serious consideration; amongst which I find I omitted to mention that the Sirdars again represented their case most respectfully to His Highness, who referred to me for advice, and sent the Furnavees and others to satisfy me that they had duly warned the Sirdars and Silledars regarding the reduction of their allowances, honours, &c.

Vide paragraph 5 of my confidential letter No. 107–573, dated 28th June 1873.

3. The first question I naturally put to the Furnavees was when and in what manner he had communicated the Maharaja's orders two years ago to the Sirdars and Silledars upon so important, and to them vital, a subject as that under reference.

4. He replied that he himself had not made any communication to them, but that he had told his Karkoon to do so.

5. I then called the Karkoon, and put the same question to him, and received a similar reply, viz., that he had not warned the officers himself, but that he had desired the Jassoo (a kind of messenger) to do so.

6. Thus in point of fact it appeared that no communication whatever had been made to the persons concerned, and I advised that their arrears should be paid at once, and any new arrangements that the Government now desired to make with them should be entered upon by hearing what each man had to say regarding his own individual circumstances, and that steps should be taken accordingly.

7. I find that the body of men under immediate reference is the most influential in the service, and is in fact the Gaekwar's body-guard, which has existed since the State itself was founded.

8. With regard to the Sirdars I explained to His Highness that they appeared to me to be his hereditary nobility, whose ancestors, as well as some of those now living, had been promoted and rewarded with honours and emoluments for distinguished services; that such men could not be pensioned like ordinary soldiers as he wished to do, because their huks having been conferred in perpetuity will only cease and lapse to Government on their dying without male heirs. I also explained that, as regards ordinary soldiers, the case was different, and that such men could be pensioned according to length of service, &c. I trust, therefore, that as His Highness has agreed to pay up all arrears, the dangerous discontent of this element in the State, which commands a following of, I believe, 20 or 30,000 men throughout Guzerat, will be avoided.

9. There was also the case of Mr. Crawford reported in my letter as per margin, which agitated His Highness a good deal, though he affected, in his note to me, to make light of it.

No. 143–751, dated 15th August 1873.

10. On Sunday afternoon about 4 o'clock it was announced to me that His Highness was on his way to the Residency, and I at once prepared to receive him. As soon as we were alone in the drawing-room, he drew out of his pocket a copy of the *Public Opinion* native newspaper, and asked me if I had seen it. I replied that I had not, but asked him what was the matter. He said that there was an article in it which said that the Government had come to the determination to dethrone him on account of obstructions and tyranny; that on account of this and other matters he had not slept for three days, and was quite worn out. On saying which, he at once fell at my feet, put off his cap, and bowing his head to the ground burst into tears, and began to declare that he had no wish whatever to oppose the Government in anything; that he was really its dependent (tabedar), and that he was a lost man if he lost their favour. I raised him, and told him to calm himself, that although it was quite true that Government was displeased, as I had often told him, at his general obstructiveness and failure to accept their

advice, as often tendered through the Resident, yet that no such intention as that of dethroning him existed, and that if he would alter his line of conduct, and listen to all reasonable demands, his relations with the British Government would remain on a friendly footing; but that the patience of Government had been sorely tried in many ways of late. He replied that henceforth his sole desire was to meet the wishes of Government in every possible way, and entreated that the treaties and engagement with his ancestors might be adhered to. I replied that such was our intention and desire also, but that he must not doggedly put his own construction upon certain clauses in the Treaties, and unreasonably refuse to entertain what appears to us to be the true and just interpretation of them. His Highness replied that his sole desire now was to do what was right, and that if I would help him out of his difficulties he would support me in every way. I replied that I would gladly do so; that it was my duty, and in fact was the object with which the Government had placed me as Resident at his Court. He then left, much relieved by my assurances.

11. I afterwards learnt from Rao Saheb Bhoplall Pranwullubdass, His Highness' Superintendent of Education, that on the same evening (17th) His Highness summoned the whole of the Members of his Durbar to his presence, and made them an excellent and impressive address. He said, in substance, that he was sorry to find that they had been serving their own interests, instead of his and those of the State. That they must turn over a new leaf entirely, or they would be turned out of office. That he had resolved to support the Resident's advice and counsels, and that he expected them to do so also, otherwise they must be removed.

12. Yesterday (18th) was the day for His Highness' usual visit to me at the Residency at 8 a.m. He came accordingly, and within a few minutes he was followed up by the principal members of his Durbar, viz.:—

The Minister Siwajee Rao Khanvelkur.
The Revenue Commissioner, Hurriba Gaekwar.
The Sir Fouzdar Bulwuntrao Yeshwunt.
The Deputy Fouzdar, his brother Anandrao.
The Judge of High Court, Bapoobhai Dyashunkur.
The Superintendent of Education, Rao Saheb Bhoplall Pranwullubdass.

13. His Highness commenced by saying that he had brought his principal officials before me for the purpose of directing them, in my presence, that they were to attend at once to any advice or suggestions that I might make to them individually or collectively; that a thorough reform was required, and that if anyone did not do his best to carry it out he should be discharged. I replied that I could not wish for more, and that, if they carried this out honestly, I had no doubt whatever that matters would soon assume a very different aspect from what they now were.

14. After some conversation about suitable persons to fill the office of Vahivatdar for the several Mahals, I said that there was one man named Narayen Sulloobhai, a Nagur Brahmin, who had formerly been turned out of the Government service in the Rewa Kanta, whose discharge I had strongly advised owing to my conviction that he had been the cause of a good deal of the mischief which had occurred. I also stated that I advised the restoration of Bhow Kheskur, an hereditary servant of the Gaekwar State, who was dismissed not long ago on the mere suspicion of having given information to the writer of a certain pamphlet exposing the corruption and bribery, &c., &c. of the Gaekwar State. His Highness and his Durbar then returned to the city.

15. Further proceedings will be reported hereafter.

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No. 151–777, dated Baroda Residency, 24th August 1873.

From Resident at Baroda to Secretary to the Government of Bombay.

Last evening, about sunset, about four hundred cultivators from the Baroda District, headed by their Patels, came to the Residency to complain that they have for several months past been driven out of their villages, 12 in number, by the deer which His Highness the Gaekwar has ordered to be preserved for hunting and sporting purposes generally.

2. I, after some conversation, persuaded them all to return to their villages, except about eight or ten representatives, who I promised should obtain a hearing of the Minister and Revenue Sir Soobah this morning.

3. I accordingly wrote a note to the Minister inviting him and the Sir Soobah to come to the Residency about this affair, which they did.

4. The Patels of the 12 villages in question put in a petition, of which the following is the substance:—

1st. That in 1862 they took their lands on a lease for ten years at Rs. 7 per koombha, which in 1869 was increased to Rs. 8½, notwithstanding the original terms of the lease.

2nd. That in the year 1871, when the present Maharaja succeeded to the throne, their assessment was increased to Rs. 11.

3rd. The farmer of their Mahal in 1872 made further demands on them, in order to compensate himself for the Nazarana that he had paid for his farm.

4th. That, in addition to all the exactions as above stated, the deer which are preserved within their village limits have increased greatly, and are so strictly preserved by keepers that they dare not drive them out of their fields for fear of the keepers, who have threatened them with punishment if they do so.

5th. That periodical hunting parties tend still further to destroy their crops.

6th. That they petitioned His Highness the Gaekwar about this last year, saying that, unless some remedy was provided, they would have to desert their villages, because they could not pay the assessment, owing to the deer.

7th. That His Highness ordered them to go to the Revenue Sir Soobah Hurriba Gaekwar, who at once, without inquiring into the matter, imprisoned them (the Patels) by the advice of his deputy Narayen Bhai, by whom they assert he is always influenced.

8th. That the aforesaid Narayen Bhai proposed to release them from prison and redress their grievances if they would pay two thousand rupees to him and three thousand rupees to the Sir Soobah Hurriba Gaekwar.

9th. That they accepted these terms, and executed a bond to the effect that the money would be paid after their release and the redress of their grievances about the deer.

10th. That they were released after a month's imprisonment, and that nothing was done about relieving them of the deer, and that when they asked again about it, they were told by Narayen Bhai and Hurriba Sir Soobah that the rupees must be given first. They demurred at this, but said that the whole amount would be paid immediately the terms of the bond were fulfilled. Nothing has been done, consequently the whole matter is in abeyance.

11th. That they are prevented by both Hurriba and Narayen Bhai from again representing their grievances to His Highness the Maharaja, and that Narayen Bhai has even threatened that if they do so, they shall be imprisoned for life.

12th. Not being able to bear this oppression, they deserted their villages some months ago, and that they are now waste; but that they themselves and their families have in consequence fallen into such impoverished condition that they have been compelled to represent the matters to me, because Narayen Bhai is the cause of all the oppression that has befallen them.

Lastly, they pray for three boons—

(*a.*) That the deer may be driven out of their Wuttuns to make way for themselves, their wives and their children, so that they may again cultivate their lands.

(*b.*) That the annual money grant which the last Gaekwar used to make to them by way of compensation may be renewed, it having ceased since 1869.

(*c.*) That their oppressor, Narayen Bhai, may be made to compensate them from his own property, as he has been the main cause of their ruin.

5. The Sir Soobah Hurriba Gaekwar and the Minister arrived at the Residency according to appointment at 8 a.m., when I confronted them with the representatives of the villages.

6. After an animated altercation of about two hours, the following arrangements were promised by the Minister and Sir Soobah, and acquiesced in by the representatives, whom I, however, had great difficulty in convincing that they would not be seized and thrown into prison.

7. First, the Minister and Sir Soobah both said that in respect to the destruction of the deer *nothing would be done*, as they were required for the Gaekwar's shikar parties. I argued that since the last Gaekwar's time they had doubled, and were probably 4,000 or 5,000 instead of 2,000 then extant, owing to the fact that the present Gaekwar rarely goes out hunting, whereas Khunderao Maharaj did so once a week or oftener. The utmost that I could get them to agree to as an off-set to this was that they would increase the means for protecting the fields from the deer; and further that the assessment would be reduced to an extent sufficient to compensate the people. The Minister proposed to reduce *half*, but the Sir Soobah objected to so much, and said that he would have all done fairly according to the value of the land.

8. The representatives then said that they had missed cultivating the land in June, so that the first crop was lost, and that it was now too late to raise a second one. The Sir Soobah promised me, that with regard to this, that if from want of rain or any other natural cause they failed in obtaining a second crop, he would, of course, allow them remission as usual.

9. Under these assurances the men have left, but such has been the tyranny exercised over them, that it was with the greatest difficulty I could persuade them that some treachery was not intended.

10. This Narayen Bhai is the Nagur Brahmin referred to in paragraph 14 of my confidential letter No. 146–762 of 1873, dated 19th instant, as having been already dismissed from the service of the British Government in the Rewa Kanta, and I feel sure that as long as he is in office all our efforts to reform in this State will be paralysed.

11. The fact is, I imagine, that certain high officials are afraid that if he is discharged he will at once turn on them. I respectfully submit for sanction that I may be authorised to demand formally that the man may be suspended from office at all events, and held to bail pending an inquiry into his conduct. He is said to have amassed a considerable sum of money in British territory at Neriad; it is, however, essential, for the welfare of the Gaekwar State, and the important British interests connected with it, that he should not be allowed to go free, until he has cleared himself before the Gaekwar Government of the offences with which he is charged.

12. As to the policy of our allowing large tracts of country to be depopulated for the sake of herds of deer, which are of no use to anyone, I deferentially submit the question for the consideration of Government. Also whether, as the protecting power, we can allow heads of villages to be imprisoned, as these men state they were, and afterwards whole villages to be driven out from their homes as wanderers, under the circumstances explained in the several clauses of paragraph 4 above.

13. Hurriba Gaekwar, the Sir Soobah, told me this morning that there are in all 42 *villages* affected by these deer preserves, and that these 12 only have complained. This was denied by the representatives, who said that the others suffered also; but that they were afraid to complain owing to the imprisonment and injustice which the 12 Patels and their villages had experienced.

14. I believe also, from what Hurriba Gaekwar let fall, that this is a specimen case of grievances in the Revenue Department of the Gaekwar State, and he said that no doubt I should receive representations from Kurree and other Purgunnahs. I submit, therefore, that under the circumstances already reported, it might lead to general reform were Government to direct inquiry to be prosecuted with vigour into cases of this sort.

No. 144–756, dated 18th instant.
„ 146–762, „ 19th „
„ 149–772, „ 21st „

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No. 5509, dated Bombay Castle, 5th September 1873.

From Secretary to the Government of Bombay to Secretary to the Government of India, Foreign Department.

In continuation of previous correspondence relating to the affairs of Baroda, I am directed to forward the enclosed copy of a letter from Colonel R. Phayre, C.B.,

No. 149–772, dated the 21st August 1873, submitting some remarks upon the sudden change in the policy of His Highness the Gaekwar as reported in his confidential letters noted in the margin.

No. 144–756, dated 18th August 1873.
„ 146–762, „ 19th „ „

2. I am to state that the letter now enclosed was overlooked when Colonel Phayre's previous letters were forwarded.

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No. 149–772, dated Baroda Residency, 21st August 1873.

From Resident at Baroda to Secretary to the Government of Bombay.

In continuation of my confidential letters as per margin, I have the honour to submit, for the consideration of Government, a few remarks upon His Highness the Gaekwar's sudden change of policy as therein reported.

No. 144–756, dated 18th August 1873.
„ 146–762, „ 19th „ „

2. Such a change would under ordinary circumstances be regarded as the fulfilment on His Highness' part of the already expressed wishes of Government in regard to the Gaekwar accepting and attending to the advice and suggestions of the Resident regarding events of importance; but coming at a time when the Baroda State is convulsed by the effects of a harsh and severe rule, accompanied by the grossest bribery and corruption, it requires to be considered in connexion with the existing state of affairs.

3. In point of fact His Highness Mulharrao and his present cabinet have in a very short space of time managed to throw a large proportion of the 2½ millions over whom they rule into a thorough state of discontent, and there is no doubt that they alone are responsible for what has occurred; moreover, that before matters can be satisfactorily settled a great number of just claims have to be satisfied; considerable sums of money, of which individuals have been unjustly deprived, have to be restored; wrongs entailing great losses to respectable banking firms have to be redressed, and repudiated state debts have to be paid, the liquidation of all of which will require a much larger sum of money than His Highness Mulharrao's almost empty treasury can supply.

4. I have no doubt myself as to the sincerity of His Highness' desire for reform, but whether it will be of the thorough kind which the emergency of the case demands, as above explained, remains to be seen. He has, however, already done justice in the Brahmacharee and other minor cases.

5. I have, however, observed that His Highness is comforting himself with the idea that by inviting the Resident's aid, and ordering the Durbar to follow his advice and suggestions, he will relieve himself in a great measure from responsibility, and condone the offences of his Minister and others of his cabinet; but I have already tried to undeceive him on these points by informing him that I do not see how real reform can be carried out unless one or two new officials at least are introduced into the Durbar, and one or two removed from it; and that no one but himself can do this. The Durbar, with one or two exceptions, are themselves the guilty persons, and it is clearly impossible to expect them to convict themselves, or to go honestly into complaints which, if acknowledged to be true, would ruin them. This is the actual state of affairs at present. I do not think the Gaekwar cares particularly to save any but himself and his Minister; this I know to be his chief anxiety, although the complaints of bribery, &c., that are pouring in are mainly against the Minister, who, there can be no doubt, is the main cause of the present deplorable state of things, yet who cannot be touched unless Government were to authorise my speaking to the Gaekwar in their name about all these matters in a manner that might induce him to carry out the thorough reform referred to in paragraph 3 above.

6. His Highness still shows signs of fear at the demands made by a part of the Native Press for his dethronement, and only to-day begged of me to assure Government that he is resolved to do his best to arrange properly in future.

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No. 2209 P.

From SECRETARY to the GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

To the SECRETARY to the GOVERNMENT of BOMBAY.

SIR, Simla, the 19th September 1873.

I AM instructed by His Excellency the Viceroy and Governor General in Council to reply to your letters marginally noted regarding Baroda affairs.

No. 28 T, dated 26th July 1873.
„ 29 T, „ „ „
„ 31 T, „ „ „
„ 64 T, „ 29th August 1873.
„ 5509, „ 5th September „

2. These letters report the alleged oppression of British subjects and others in the administration of justice. They further report that general discontent prevails throughout the Gaekwar's dominions, which, in the Beejapoor District, has culminated in the rebellion of certain Thakoors, and endangers the general peace of the country. They allude to the serious and general mal-administration of the territories of His Highness the Gaekwar of Baroda; the bribery of the Minister and other officials in connexion with the sale of offices; and the abduction of respectable women from their families for purposes of domestic slavery and other unlawful ends. The general statements made are supported by specific cases.

Further, the letters under reply represent the inefficient state of the Contingent of 3,000 horse which the Gaekwar is required by treaty to maintain, the neglect of His Highness to comply with his treaty obligations to conform to the advice and suggestions of the British Government in respect to its formation and equipment, its regular monthly pay, and the condition of its arms and accoutrements; and his refusal to co-operate in any way towards the arrangements which are thought necessary for the improvement of the administration of Kattywar, and to which the principal chiefs of that province have consented.

3. So serious, indeed, is the derangement of the Baroda administration reported to be that, in the opinion of His Excellency the Governor of Bombay in Council, the British Government will be guilty of a dereliction of duty if they do not take steps to inquire into and, if necessary, apply a remedy to the evils which are alleged to exist. His Excellency the Governor in Council accordingly applies for the authority of the Government of India to appoint a Commission for the purpose.

4. His Excellency the Viceroy and Governor General in Council is of opinion that the grave allegations of misgovernment which have been officially made by the British representative at the Court of His Highness,—seriously affecting, if correct, not only the welfare of the British subjects resident in the territories of the Gaekwar and of His Highness' subjects generally, but also the peace and good government of the British and native districts bordering the Gaekwar's territories, and the treaty relations subsisting between the British Government and the Baroda State,—demand the most careful and thorough investigation. Accordingly, His Excellency in Council concurs in the proposal of the Bombay Government that a Commission should be appointed for the purpose of making the necessary investigations. The recent expression of opinion by the Resident, contained in his letter of the 21st of August, that he has no doubt as to the sincerity of His Highness' desire for reform, leads His Excellency in Council to hope that the Gaekwar will give every assistance in his power to the inquiries of the Commission. The Governor General in Council is of opinion that the Commission would most appropriately emanate from the Government of India. The constitution of the Commission will be the subject of a separate communication.

5. The Commission should investigate the alleged unjust and oppressive treatment of persons who claim to be British subjects, as reported in paragraphs 3 to 5 inclusive of Colonel Phayre's letter, No. $\frac{144}{156}$, dated 18th May 1873. The cases described by Colonel Phayre should be thoroughly investigated, if they have not already been disposed of, as well as any other cases of a similar kind that may be laid before the Commission by the Resident.

Should any cases of oppression of British subjects be established to the satisfaction of the Commission, it is requested that in their report they will distinctly state—1st, what satisfaction should be required in each particular case; and, 2nd, what general measures it may be advisable for the future to adopt, with a view to the protection of British subjects within Baroda territories, and the prevention of further occurrences of the kind.

6. The Resident will require the five Beejapoor Thakoors, now said to be in rebellion, to return to their houses and remain there peaceably,—an assurance being given them that their alleged grievances will be inquired into by the Commission. If they refuse, the Subsidiary Force should, if necessary, be employed, in accordance with the stipulations of existing treaties, for the purpose of securing their submission to the authority of the Gaekwar. On the submission of the Thakoors, the Commission will proceed thoroughly to investigate the grievances of which they complain, as set forth in the Resident's letter, No. $\frac{11}{597}$, dated 4th July, and to suggest such terms as they may consider just for the settlement of the dispute and the adjustment of the relations which should for the future exist between the Gaekwar and these Thakoors.

7. The complaints of general misgovernment are more difficult to deal with.

His Excellency in Council has no wish unnecessarily to interfere with the details of the Gaekwar's administration. For the good government of his country the Gaekwar is responsible, and in isolated cases of complaint His Excellency in Council would look to His Highness to take the necessary measures to redress individual grievances, or remove evils that may be brought to his notice.

But when evils of the kind indicated pervade all departments of the Administration, as is officially reported to be the case in Baroda, it becomes the duty of the British Government to institute an inquiry, and if necessary to use the power it possesses under treaty of offering advice to the Gaekwar and requiring His Highness to conduct the affairs of Baroda in accordance with such advice. The British Government cannot undertake to protect the Gaekwar from the consequences of general misgovernment; the alleged general misgovernment of the Baroda State is, therefore, a legitimate subject for inquiry and report by the Commission.

8. In entering on this branch of their duties, the Commission will be careful to give no encouragement to frivolous or vexatious complaints, and their inquiry should be conducted not so much with a view to the redress of individual grievances, as for the purpose of ascertaining whether such general mal-administration exists as to call for the further interference of the British Government.

Should the Commission be satisfied that such misgovernment exists, they will report fully the grounds of their conviction, and suggest such measures as they may consider should be adopted to bring about and maintain for the future a more satisfactory state of affairs without entailing a minute and vexatious interference on the part of the British Government.

9. The Commission will further be careful to give no countenance to the idea which may possibly arise that their inquiries are intended to set aside the authority of the Resident. They will refer to the Resident any complainants who may appeal to them direct, and they will have no connexion with the affairs of the Baroda State except such as plainly come within the limits of their inquiries.

10. The Government of Bombay have suggested that the Gaekwar should be advised to suspend or remove the Dewan, the Revenue Sir Soobah and his deputy, but the Governor General in Council is of opinion that it would be better to await the result of the inquiry before demanding their suspension or removal.

11. The Commission should also investigate the condition of the Contingent to which your letter, No. 31 T, dated 26th July, more particularly refers. That the Commission may be fully informed of the past history of this force, and the discussions that have from time to time taken place regarding it, the correspondence relating to it from the time of its formation in 1817 should be placed at their disposal.

The engagements* which at present regulate the constitution and employment of the force are Article 8 of the Treaty of 1817, the yad from the Resident to the Gaekwar, dated 14th June 1858, and the Gaekwar's reply, dated 17th June 1858.

* Aitchison's Treaties, VI., pp. 335, 356–7.

12. Under those engagements, the British Government have not, in the opinion of His Excellency in Council, the right to require that the Contingent should be commanded by British officers. So long, therefore, as such engagements continue in force, His Excellency in Council is not prepared to take into consideration the suggestions made by Colonel Phayre in paragraph 10 of his letter, No. $\frac{104}{553}$ of 25th June 1873. Indeed His Excellency in Council is inclined to believe that the Contingent, if properly paid and equipped, will, under the command of Native officers of the right class and with the guidance of the Political Agents, not be found wanting in the discharge of the duties required of it.

13. The Governor General in Council will be satisfied with such a degree of efficiency in the Contingent as will fit it for the discharge of the duties on which it may be employed in the Tributary Districts. The employment of the Contingent on those duties, and the manner in which it is distributed, make it difficult, if not impossible, to keep the force up to a high standard in a military point of view. His Excellency in Council does not think it either necessary or expedient to insist upon such a standard. It will be enough if the corps be maintained in such a state of efficiency that it can properly discharge the duties expected of it in time of peace. This is less than might be insisted on under the terms of the treaty, and it appears, from the correspondence submitted, that the Contingent is inefficient, even when judged by this moderate standard.

14. With reference to the proposals contained in paragraph 13 of your letter No. 31 T, of 26th July, the Commission should frame such measures and rules in regard to the formation and equipment of the Contingent, its regular monthly pay, and the condition of its arms and accoutrements, as in their opinion would render it efficient for the purposes described in the preceding paragraph. The measures framed by the Commission for the reorganization of the force, if approved by the Government of India, will be laid before the Gaekwar as advice and suggestions to which he is bound by his treaty engagements to conform, and their observance will be insisted on.

15. It is probable that a cavalry force of 3,000 men may be more than the requirements of the administration of the Tributary Districts demand. Should this prove to be so, it may be possible by the reduction of the force and the conversion of a portion of it into Foot Police, to provide all that may be needed at a less cost to the Gaekwar than is involved in the maintenance of a Mounted Contingent of the full strength provided by the treaty.

His Excellency in Council will be glad to receive the views and proposals of the Commission on this subject; but the matter is one for subsequent agreement with the Gaekwar. The proposals and requirements to be in the first instance made are those which can properly be demanded under the treaty for a Cavalry force of 3,000 men; and any subsequent modifications would be an abatement by the Government of India of its treaty rights, and would be made in the interests of the Baroda State. Under these circumstances the consideration of the proposals made in paragraph 14 of your letter No. 31 T, dated 26th July, will, for the present, be postponed.

16. The Commission will address their Report to the Government of India, forwarding it under flying seal through the Government of Bombay, and His Excellency the Governor General in Council requests that it may be forwarded with the opinion of the Government of Bombay as soon after receipt as may be convenient.

17. Should the Government of Bombay have any suggestions to make, either before the Commission is appointed, or while the inquiries are going on, the Governor General in Council will give them his best consideration.

I have, &c.,

Khureeta, dated Simla, 19th September 1873.

From His Excellency the VICEROY and GOVERNOR GENERAL of INDIA to His Highness MAHARAJA MULHAR RAO GAEKWAR SENA KHASKHEIL SHUMSHERE BAHADOOR, Baroda.

I HAVE recently received from the Government of Bombay representations relative to the conduct of the administration of Your Highness' territories. Among other complaints that have reached that Government are included cases in which British subjects, as well as those of Your Highness, are concerned, and I have also been informed of the existence of a feeling of discontent among certain classes of Your Highness' subjects which has culminated in disturbances dangerous to the peace of the country.

The very grave nature of these representations renders it necessary that a searching investigation should be made into the nature of the allegations that have been preferred.

For the purpose of making the necessary inquiries, I have determined to appoint at an early date a Commission composed of three officers of high standing and experience, who will report to Government the result of their investigations. All details connected with the precise nature and scope of the inquiries to be made by the Committee will be communicated to Your Highness by the Bombay Government.

It is not my intention by the appointment of this Commission to interfere with the details of Your Highness' administration. The duty of the Commission will be to discover whether the allegations made are correct, and, if necessary, to suggest for my consideration in Council the measures which the British Government should advise Your Highness to adopt for the future.

The attention of the Commission will also be directed to the important questions of the reorganization of Your Highness' Contingent, and the arrangements necessary for the protection of life and property in Kattywar, and I have little doubt that the result of their labours will be to aid Government in arriving at a solution of those questions satisfactory to themselves as well as to Your Highness.

I have been gratified to learn that Your Highness has expressed to the Resident an intention of accepting the advice and meeting the wishes of the British Government, and I therefore feel sure that Your Highness will afford to the Commission every assistance in your power during the continuance of their investigations.

I beg to express the high consideration I entertain for Your Highness, and to subscribe myself Your Highness' sincere friend.

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No. 2210 P, dated Simla, 19th September 1873.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY.

WITH reference to my letter No. 2209 P of this date, I am directed to forward for transmission to the Gaekwar a khureeta from His Excellency the Viceroy. A copy of the khureeta is enclosed for information.

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No. 83 of 1873.

Government of India, Foreign Department.

To His Grace the Duke of Argyll, K.T., Her Majesty's Secretary of State for India.

My Lord Duke, Simla, 16th October 1873.

In continuation of our despatch, No. 81, dated 2nd October 1873, we have the honour to forward, for the information of Her Majesty's Government, a copy of papers, regarding the appointment of a Commission to inquire into the alleged mal-administration of the State of Baroda and other cognate matters.

We have, &c.,

(Signed) Northbrook.
Napier of Magdala.
R. Temple.
B. H. Ellis.
Arthur Hobhouse.
E. C. Bayley.

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(Extract.)

No. 67 T.

From the Secretary to Government, Bombay, to the Secretary to the Government of India, Foreign Department, Simla.

Sir, Dated 29th September 1873.

In acknowledging the receipt of your letters Nos. 2209 P and 2210 P of the 19th instant, I am directed by His Excellency the Governor in Council to express the satisfaction with which he has learned that the representations lately submitted by this Government have convinced the Government of India of the necessity for instituting a strict inquiry not only into the alleged wrongs done to British subjects, but also into the general mal-administration of the Baroda Durbar; and His Excellency is glad to perceive that the Government of India clearly identifies itself with this proceeding, by assuming the appointment of the Commission.

The concluding paragraph of your letter invites the suggestions of this Government before the issue of the Commission, and I am, therefore, to avail myself of this permission for submitting some remarks on certain passages of your letter and of the khureeta addressed to the Gaekwar, by which it is hoped that His Excellency the Viceroy in Council may be induced to modify in some degree the mode of proceeding proposed to be adopted. His Excellency will no doubt recognise the fact that the transactions with which the Government of India is now called upon to deal are divided into two distinct classes.

One—specific acts of oppression and corruption on the part of the chief authorities in Baroda, with which they are charged by the Resident.

The other—differences of opinion between the British Government and the Gaekwar as to his obligations under the existing treaties and engagements, and as to the measures which should be taken for the better government of his own and adjacent territories.

As regards the former there can be no doubt of the propriety of instituting a semi-judicial inquiry before an impartial tribunal. The Resident will thus be enabled to bring forward the proofs of his allegations, and the Gaekwar will either be able to prove that his administration does not merit the imputations cast upon it, or, failing to do so, must be prepared to submit to such safeguards against future oppression as the British Government will be bound by the treaties to establish.

The position of the other class of cases is very different. There is no part of the duties of the Government of Bombay which is more onerous, which requires more judgment, temper, and firmness than the task of controlling the various Native States placed under its direction. There is nothing in which, while faithfully endeavouring to act in conformity with the general wishes and policy of the Government of India, it more requires not only to receive, but to be believed to receive, the support of that Government. Such a position is indeed essential to the useful exercise of its powers, and there can be no doubt that as soon as any public action is taken in this case it will attract attention throughout India, and every phase of the transaction will be strictly scrutinized.

It is on these grounds that His Excellency in Council hopes that the Government of India may not decline to reconsider so much of the proposed method of proceeding as involves entrusting to the Commission the duty of inquiring into the condition of the Contingent and submitting a scheme for its reorganisation. Everything relating to that force has hitherto been matter of negotiation by this Government, and if their efforts at improving it have failed, it has been the result of undue yielding to the wishes of preceding Gaekwars, and of placing unmerited faith in their promises of amendment.

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No. 2427.

Foreign Department, Political.

From the SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to the SECRETARY to the GOVERNMENT of BOMBAY.

SIR, Dated Simla, 10th October 1873.

HIS Excellency the Viceroy and Governor General in Council having carefully considered your letter, No. 67 T, dated 29th September 1873, desires me to state that, in his opinion, it would be very undesirable to narrow the scope of the inquiry which is to be made regarding Baroda affairs by the Commission to be appointed under the instructions conveyed in my letter, No. 2209 P, dated 19th September.

2. It appears to His Excellency in Council that the very serious step of appointing such a Commission is rendered necessary less by the alleged mal-administration of the Baroda State than by the fact that the misgovernment is stated injuriously to affect British interests and the treaty rights of the British Government, and to be dangerous to the security of life and property in the neighbouring territories. Accordingly, you were informed in paragraph 4 of my letter, No. 2209 P, dated 19th September, that His Excellency in Council considered a careful and thorough investigation to be required, because the grave allegations of misgovernment which had been officially reported by the Resident affected, if correct, "not "only the welfare of the British subjects resident in the territories of the Gaekwar "and of His Highness' subjects generally, but also the peace and good government "of the British and Native Districts bordering the Gaekwar's territories, and the "treaty relations subsisting between the British Government and the Baroda State." It is open to question whether the appointment of a Commission of Inquiry would be warranted by reasons of a less general and weighty kind, and it is the opinion of His Excellency in Council not only that it would be unwise to abstain from a full inquiry into and elucidation of the facts bearing upon the alleged inefficiency of the contingent, but that the opinion of the Commission thereon, with their suggestions as to the measures which on a fair construction of our treaty rights it would be proper to demand and enforce, would be a material strength to the Government of Bombay and to the Government of India in dealing with questions which have formed the subject of discussion with the Gaekwar for the last 50 years, with no very satisfactory results, and a solution of which, as observed in paragraph 8 of your letter 31 T, dated 26th July, is not to be looked for from further negotiation. The duties of the Commission in respect to this part of their inquiries, it need hardly be observed, are not of a judicial nature.

3. His Excellency in Council would deeply regret if the measures which he has authorised should in any degree weaken the hands of His Excellency the Governor in Council of Bombay in the settlement of questions that may arise with other States under the Bombay Government. He entertains a confident hope that a contrary result may be anticipated. The Viceroy, by alluding, in his letter to the Gaekwar, to the "arrangements necessary for the protection of life and property in Kattywar," did not intend to imply that the Commission would be directed to deal with Kattywar affairs generally, but only with the alleged refusal of the Gaekwar to co-operate in certain arrangements which the Government of Bombay consider to be necessary, and to which reference is made in the 2nd paragraph of my letter of the 19th of September, No. 2209 P. As these arrangements, however, are intimately connected with the reform of the Contingent, there is no necessity for special reference to them, and, in order to prevent any misunderstanding, the words above quoted have been omitted in the letter which I now enclose in substitution for that forwarded with my letter, No. 2209 P, dated 19th September.

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No. 2441 P.

From the SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to the SECRETARY to the GOVERNMENT of BOMBAY.

SIR, Dated Simla, 11th October 1873.

WITH reference to paragraph 4 of my letter No. 2209, dated 19th September 1873, I am instructed to convey the following decision and orders of His Excellency the Viceroy and Governor General in Council in regard to the constitution of the Commission which is to be appointed to inquire into the affairs of Baroda.

2. His Excellency in Council is of opinion that the Commission should consist of four members appointed by the Government of India, two being selected by His Excellency the Viceroy and Governor General, and two being nominated by His Excellency the Governor of Bombay. The President of the Commission should be an officer who has had experience in Political affairs and is conversant with the system of administration followed in the larger States in India; and there should be on the Commission a native gentleman of rank who has acquired practical experience in the government of a Native State.

3. Accordingly His Excellency in Council has selected as President of the Commission Colonel R. J. Meade, C.S.I., formerly Governor General's Agent in Central India, and now Chief Commissioner of Mysore, and has, with the consent of his Highness the Maharaja of Jeypore, appointed, as one of the members of the Commission, Mumtaz-ood-dowla Nawab Faiz Ali Khan Bahadoor, C.S.I., who has for many years discharged the duties of Prime Minister of the Jeypore State with much ability.

4. His Excellency in Council will be prepared to appoint the two officers whom His Excellency the Governor of Bombay may nominate. It is desirable that one of them at least, if not both, should be officers of mature experience in matters of general administration, more especially in the Revenue and Judicial Departments, and that neither of them should have been previously connected with the Baroda Residency or the Gaekwar's Court.

5. Before proceeding to Baroda the Members of the Commission should assemble in Bombay, where they should receive any information bearing on the different subjects of their inquiries which the Bombay Government may have to give, and should arrange as to their general plan of proceeding. The Resident at Baroda will of course be instructed by the Bombay Government to co-operate to the utmost of his power, and to endeavour as far as possible to enlist the assistance of the Gaekwar and his Government.

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Foreign Department, Political.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to Colonel R. J. MEADE, C.S.I.

SIR,

Dated Simla, 11th October 1873.

I AM directed to inform you that His Excellency the Viceroy and Governor General in Council has been pleased to appoint you to be President of a Commission to inquire into the alleged misgovernment of the Baroda State.

2. A complete copy of the correspondence, on a consideration of which His Excellency in Council has felt it necessary to appoint this Commission, is enclosed for the information of yourself and the other members of the Commission. The instructions of Government in regard to the constitution of the Commission, the nature of its duties, and the scope of its inquiries, &c., will be found fully set forth in my letters to the Bombay Government noted in the margin.*

* No. 2209 P, dated 19th September 1873.
„ 2441 P, dated 11th October 1873.

3. The names of the two officers who may be nominated by the Governor of Bombay will be intimated to you in due course. You should place yourself in direct communication with the members of the Commission, and arrange to meet them at Bombay at as early a date as possible.

4. His Excellency in Council trusts that you will expedite the business of the Commission as far as may be consistent with full and deliberate inquiry.

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No. 46 of 1874.

Government of India, Foreign Department.

To the Most Honourable the MARQUIS of SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS,

Fort William, 28th July 1874.

IN our despatches noted in the margin we reported, for the information of Her Majesty's Government, the circumstances under which we found it necessary to appoint a Commission to inquire into certain matters connected with the administration of the Baroda State, and the general instructions we issued for the guidance of the Commission.

No. 81, dated 2nd October 1873.
„ 83, „ 16th „ „

2. It had been reported to us officially by the Resident at Baroda, through the Bombay Government, that British subjects and others were systematically oppressed in the administration of justice by the Gaekwar's Government; that there was general discontent throughout the Baroda State, endangering the general peace of the country; that serious and general mal-administration prevailed; that the officials were grossly corrupt; that respectable women were forcibly taken from their families for purposes of domestic slavery and other unlawful ends. The general statements were supported by specific cases, and the derangement of the Baroda Administration was said to be so serious and general as in our opinion to demand the most careful and thorough investigation.

3. The Commission was composed of the officers named in the margin. Mr. Ravenscroft and Colonel Etheridge were nominated for their special qualifications by the Government of Bombay, and the others were selected by the Government of India. The President, Colonel Meade, for many years held the responsible office of Agent to the Governor General for Central India, in which he had many opportunities of acquiring information regarding the administration of some of the largest and most important States in India, and among others the Mahratta States of Gwalior and Indore. Nawab Faiz Ali Khan had long been Prime Minister of the Jeypoor State. We had every confidence, therefore, that the Commission would prosecute their inquiries with due consideration both of the rights and dignity of the Gaekwar, and the conditions necessary for a fair Native administration. From the Report which they have submitted it will be seen that our expectations have been fully realized. The Commission have conducted their inquiries with a degree of sound judgment, discretion, and impartiality that merits our commendation.

*President.*
1. Colonel Meade, C.S.I.

*Members.*
2. The Hon. E. W. Ravenscroft.
3. Moomtaz-ood-dowlah Nawab Faiz Ali Khan Bahadoor, C.S.I.
4. Colonel Etheridge, C.S.I.

4. At the Gaekwar's request a copy of the Report was sent to His Highness, and we awaited his remarks thereon before coming to a decision in regard to the measures proposed by the Commission and the Government of Bombay. The Gaekwar's reply is contained in his letter of 17th May, and our final orders, with the reasons on which they are based, will be found in the letter No. 1586 P, dated 25th July 1874, to the Government of Bombay, and in the letter of the same date addressed by the Viceroy to His Highness the Gaekwar.

5. We trust that our proceedings will meet with the approval of Her Majesty's Government.

We have, &c.,
(Signed) Northbrook.
Napier of Magdala.
B. H. Ellis.
H. W. Norman.
A. Hobhouse.
E. C. Bayley.
John Inglis.

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No. 2499 P, dated Simla, 18th October 1873.

From Secretary to the Government of India, Foreign Department, to Colonel R. J. Meade, C.S.I., Bangalore.

I am instructed by His Excellency the Viceroy and Governor General in Council to inform you that the Commission which His Excellency in Council has appointed to inquire into the alleged misgovernment of the Baroda State will be constituted as follows:—

*President.*

1. Colonel R. J. Meade, C.S.I.

*Members.*

2. Honourable E. W. Ravenscroft.
3. Moomtaz-ood-dowla Nawab Faiz Ali Khan Bahadoor, C.S.I.
4. Colonel Etheridge, C.S.I.

2. His Excellency in Council does not anticipate any difference of opinion among the officers who constitute the Commission as to the forms of procedure, place, time, and subject of inquiry, and such like formal matters; but should such difference of opinion arise the decision will rest with the President.

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No. 6037, dated Bombay Castle, 30th September 1873.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

REFERRING to recent correspondence regarding the Baroda State, I am directed to transmit herewith, for submission to the Government of India, copy of a letter (and of its enclosures) No. 173–852, dated 18th instant, in which Colonel Phayre points out the unsatisfactory nature of the arrangements made by His Highness the Gaekwar for securing attention to the complaints of his subjects.

2. The Resident has been informed, with reference to the subject of paragraph 4 of his letter, that the engagement by the Durbar of no officer of the British Government, European or Native, should be permitted without the orders of the Government.

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No. 173–852, dated Baroda, 18th September 1873.

From RESIDENT of BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letters as per margin, I have the honour herewith to forward a specimen case of what is now going on in Baroda. It has reference to the Pitlad District, the unsatisfactory state of which was noticed in my Administration Report for 1872–73, Appendices A. and B., and other letters.

Letters of 18th and 19th and 24th August quoted in Government letter No. 66 R, dated 4th September 1873; also letter No. 168–824 of 9th September, and No. 170–829 of the 11th September 1873.

2. During the last few days a number of important cases from all the districts have been forwarded by me to the Durbar, with a recommendation that steps may be taken to do justice to the complainants and to set matters right. It is in this way that I am endeavouring to show them the actual state of the country, which certain Durbar officials have systematically concealed from the knowledge of His Highness the Gaekwar.

3. In every petition of importance I recommend them to take immediate action in order that the lost confidence of the people may be restored. Whether the Durbar will follow this advice or not in serious cases it is impossible to say; but whether or no the official course adopted affords evidence that the actual state of affairs has been formally brought to His Highness' notice in such a way that if he really wishes for reform he will attend to the advice given.

4. I long since strongly advised His Highness either to select amongst his own subjects or to apply to Government for some first class revenue and judicial Native officials for employment under him, but I was informed by the Minister and one of the Durbar, a day or two ago, that instead of following my advice they either had made proposals or were about to make them to Mr. Rowjee Vittul, now employed under the Rewa Kanta Agency, and to one or two other Natives of distinction in

the service of the British Government, but I fear that so far from their really wishing to do this there is a tendency to exclude the independent action which would necessarily result from introducing men of ability and distinguished character into the Baroda Durbar as members of it. In fact His Highness has just adopted what appears to me to be a wholly inadequate means of meeting the present emergency by appointing the following five persons, who hold subordinate positions in his service, to inquire into the acts of their superiors and pronounce judgment upon them under His Highness' orders. I have over and over again pointed out the impossibility of such a tribunal dealing with the matters to be inquired into, but to no purpose. The names of the persons selected for this Court are as follows, viz. :—

1. Rao Sahib Bapoobhai Dyashunkur, Ex-Dufturdar of the Kattywar Political Agency.
2. Raghoba Ramchundra, a Kamdar in His Highness' revenue department; and of course subordinate to the Sir Sooba and his deputy Narayenbhai.
3. Rao Sahib Bhojilal Pranvalabdass, Educational Inspector.
4. Succaram Punt Bukshee.
5. Anna Panshee, a Judge of the Sudder Court.

5. Thus a practical supercession of the Durbar has taken place; yet the members of that body, whose conduct is to be inquired into, are allowed to retain power; it it evident therefore that, so long as they do so, no real inquiry will be effected, and that there will be a failure of justice.

6. It is becoming clearer every day that, excepting under a thorough change of Ministry, and the appointment of one good man at least with a rank and status equal to that of our collectors to each of the districts of the Gaekwar Government, viz. :—

One for the Kattywar and Okha Mahals,
One for the Putton District,
One for the Baroda District,
One for the Naosari District,

the complete reform which the general interest of the Gaekwar Government and its people, as well as those of the British Government in Guzerat and Kattywar demand, cannot be effected; such an organisation, under an able Minister, supported by able colleagues at the Court of Baroda, will secure attention to all interests. It is thorough reform of this kind which I have advocated from the first, but which has been rejected for the ineffectual course described in my preceding paragraph above.

7. I herewith submit copy of a yad on this subject, which I have this day addressed to His Highness the Gaekwar.

P.S.—Since writing the above, Captain Reeves, Acting Political Agent of the Rewa Kanta, brought for my perusal the following note which he received from Mr. Rowjee Vittul. I suppose that His Highness wished to ascertain, first, whether Mr. Rowjee Vittul would accept office under him or not, but the course which I recommended to His Highness was as stated in paragraph above; indeed, I do not believe that any man worth having would accept office in Baroda at present, except under our auspices. His Highness knows very well that he needs the aid of the British Government in the present crisis, and yet his bad advisers dissuade him from honestly adopting the only step which will save him from ruin.

The note referred to is as follows:—

" Dated Rampoora, 15th September 1873.

" From Rowjee Vittul Poonekur to Acting Political Agent, Rewa Kanta.

" A Karkoon from His Highness Mulhar Rao Gaekwar of Baroda is come here to-day. He says Mulharrao wishes to appoint me as his Kamdar, and has therefore purposely sent him to ask me to come down to Baroda for a day or two; he further tells me, that if in the interview we agree with each other, it is Mulharrao's

intention to ask you for my services. The Karkoon has also told me that Mulharrao has sent him secretly, and it is not his intention to reveal the thing until the matter is settled between us.

" Although the offer is a tempting one, still I am not inclined to accept it until I have consulted and obtained advice from my patron and kind superior, and I hope therefore you will kindly allow me to come to you for a day or two, and avail myself of your mature instructions.

" Please keep the matter secret until I see you. Mr. Succaram Dajee will conduct the duties of my office in my absence.

" I have told the Karkoon if I obtain leave of absence from my superior I shall come to Baroda, and, if possible, see Mulharrao.

" Hoping to be kindly excused for the trouble."

In anticipation of what is now occurring, I, about a month or six weeks ago, wrote to His Highness the Gaekwar, reminding him of the Article of the Treaty quoted in the margin, which provides that His Highness will not entertain in his service any European or American, or any Native of India, subject of the British Government, without the consent of that Government.

Page 322, Article 9, Aitchison's Treaties.

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Dated 16th September 1873.

From Resident at Baroda to His Highness the Gaekwar Maharaja of Baroda.

On the 10th instant two persons of the Pitlad District, by name Jewabace Bhaiba and Lallajee Jessabaee, came to the Residency and brought to notice the following facts, accompanied by the annexed petition marked A.

That the Vahivatdar of the Pitlad Mahal, Ambaidass Jewabhaee, has obtained the farm of the Pitlad Mahal from the Dewan at the recommendation of Narayenbhaee, the Karbharee of the Sir Sooba, on the payment of a sum of 50,000 rupees. That the said Vahivatdar and his father-in-law, Muttoorbhaee Dajeebhaee, his son, Nusseebhaee, and one Junwairbhaee Dhabaee, have been in the habit of committing acts of oppression, taking bribes, &c., and that in consequence numbers of the inhabitants have deserted the district. That the accompanying petition marked A. was presented to the Durbar on or about the 6th instant; that it was read over by the Sir Sooba's deputy, Narayenbhaee, silently, in the presence of the Durbar; and that the said Narayenbhaee spoke a few words regarding it to the Dewan, and that then the petition was returned to the petitioner and he was driven away.

Jewabhaee and Lallajee were then informed by the Resident that if they had any specific acts of oppression to complain of, they should bring them to the notice of the Durbar. This they said they had done, as stated in the petition marked A., but that they had been turned away.

On the 16th instant Jewabhaee returned to the Resident, and reported that Lallajee had been bought over by the Vahivatdar's agent, Chutroobooj Ishwurjee, a Vakeel of Baroda. It is necessary, therefore, that in connexion with these proceedings the said Lallajee Jussabhaee should be summoned to Baroda, he having deliberately made a complaint on these matters to the Resident.

The complainant Jewabhaee explains the charges to which he referred in petition marked A. as follows:—

Out of the rupees 50,000 which the Vahivatdar, Ambaidass Jewabhaee, paid for farming the Pitlad Mahal, rupees 25,000 were to go to Government, and the remainder was to be distributed as bribes amongst the Dewan, Sir Sooba, Narayenbhaee Bulwuntrao Deo Govindrao Mama, and that this amount was partly borrowed from the following firms:—

| | *Rupees.* |
|---|---|
| 1. Gokal Atmaram, Baroda, about - - - - | 9,000 |
| 2. Koobchund Deychund and Joeta Daveechund of Pitlad, about - | 1,000 |
| 3. Kurrumchund Mooteebhaee of Wusso - - - - | 4,000 |
| 4. Jowari Gaylabhaee of Wusso - - - - - | 9,000 |
| 5. Wagjeebhaee Ruggabhaee of Wusso - - - - | 5,000 |
| 6. Narayenbhaee Meetabhaee of Anindra Matar - - | 9,000 |

Proof will be obtained from the account books of these firms for last year when the transaction took place, and the Resident recommends that the Durbar should examine those books at once.

Complainant further states that the Vahivatdar Ambaidass has made use of public money obtained from the Potedar, whose books, if attached at once, will, it is expected, afford evidence of this transaction.

Complainant further states that the Vahivatdar Ambaidass has, contrary to rule, farmed out the six Thannas of the district and the town Chibootra for the sum of rupees 14,000. The evidence of the persons concerned should therefore be taken.

Complainant also states that the Vahivatdar Ambaidass has collected about rupees 15,000 as bribes from the Tullatees, Havildars, Karkoons, and sepoys of the whole district, including 96 villages.

Also that the Vahivatdar took rupees 1,000 from the Sayer revenue farmer.

Also that the Vahivatdar received a bribe of rupees 400 from Patel Dooreebhaee Baiba, of Maglab village, who borrowed the amount from Gullal Veljee, of Pitlad.

Also that the Vahivatdar received a bribe of rupees 2,500 from Patels Gurbud and Runchord, of Bandanee village, in a murder case. This will appear from the books of Gunnesjee Raijee of that village.

Also that Muttoorbai, the father-in-law, Juwwairbai, the security, and Nurseebhaee, the brother-in-law of Vahivatdar Ambaidass, made from the district the sum of rupees 5,000 on account of remarriages. This was over and above the usual fee of rupees 10 payable on each marriage.

Complainant states that these and other acts of oppression on the part of the Vahivatdar and his relations are the cause of so many coolies and others having deserted the district within the last few months.

Your Highness will recollect that I brought the state of affairs in Pitlad to the notice of the Durbar in April last, and afforded the evidence of the police authorities of the British district of Kaira regarding it. Had the measures which I then recommended been taken and a full inquiry instituted the present state of matters under the Vahivatdar Ambaidass could not have happened.

I must now again most strongly advise Your Highness to take immediate steps to investigate this serious case, and that the persons complained against as well as Lalljee, who appeared before me on the 10th instant, should be brought to Baroda for that purpose. -

I am informed that plenty of evidence will be forthcoming from every village in the district if the Durbar call for it.

This question seriously affects the Kaira District, and hence its importance to the British Government.

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No. 2575 P, dated Simla, 27th October 1873.

From UNDER-SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY.

IN acknowledging receipt of your letter No. 6037, dated 30th ultimo, regarding the unsatisfactory arrangements made by the Gaekwar for securing attention to the complaints of his subjects, I am directed to request that a copy of that letter may be furnished to the Commission directed to assemble for the purpose of inquiring into the condition of the Baroda Administration.

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No. 6272, dated Bombay Castle, 15th October 1873.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to transmit to you, for submission to His Excellency the Viceroy and Governor General of India in Council, copy of a letter from the Resident at Baroda, No. 190–906, dated the 4th instant, enclosing translation of a correspondence with His Highness the Gaekwar regarding the seizure and detention of a girl in Baroda territory.

2. His Excellency in Council desires me to observe that the Gaekwar evidently persists in taking possession of these girls, and only releases them on the remonstrances of the Resident.

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No. 190–906, dated Baroda, 4th October 1873.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of paragraph 14 of my confidential letter No. 144–756, dated 18th August last, and the copy of my letter dated 15th idem, to the address of His Highness the Gaekwar, on the subject of female slaves, I have the honour to submit, for the information of Government, the correspondence as per margin, which I have recently had with His Highness regarding a girl who had been seized and detained against her will.

Residency yad, No. 2211, dated 18th September 1873, with accompaniment.
Residency yad, No. 2241, dated 22nd September 1873, with accompaniment.
Durbar reply, No. 2029, dated 26th September 1873.

2. Many girls have been liberated on an application having been made to me on their behalf by their relatives as in this case, but I doubt whether the *system* has been put a stop to.

3. I act up to my information and no further. It will be observed that no notice whatever has been taken of my request that the persons who seized the girl should be punished; they are in fact His Highness' own servants, as came out in the Hitechu correspondence. In due time the evidence regarding such cases will be concentrated.

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TRANSLATION of a Petition from KASHEE BAEE of Baroda.

States that her daughter Chundra Waga was described to the Maharaj by some of her enemies as good looking and fit to be a Loundee, whereupon some of the Fouzdar's sepoys and Halkard Gunoo (now in prison) came to her house, and ascertaining that she and her daughter had gone to Gunput Rao's house to do some work, came over there and forcibly carried away her daughter and kept her with the Ranee. Begs therefore that her daughter may be sent for and made over to petitioner; her daughter is not willing to remain there, but is kept there against her will, and therefore hopes that the Resident will have her released, for which act of kindness she will ever pray for the Resident.

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No. 2211, dated 18th September 1873.

From RESIDENT at BARODA to His Highness the GAEKWAR of BARODA.

IN forwarding the accompanying petition from Kashee Baee of Baroda, I have only to observe that when I wrote to the Durbar a short time ago about retaining Loundis against their will, I was assured that such was not the case. I request that the girl referred to in this petition may be released, as her mother declares that she has been seized and detained contrary to the rules of the Gaekwar State.

The persons who seized this girl must be apprehended and punished.

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TRANSLATION of a Petition from KASHEE BAEE of Baroda, dated 22nd September 1873.

States that she has already presented a petition that her daughter has been made a Loundi against her will, but although a shera was sent to release her the Durbar have not done so; and now she hears that they are trying to pollute her by giving her food cooked by a low caste woman. Requests therefore that steps may be taken to release her daughter soon.

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TRANSLATION of Residency Yad No. 2241, dated 22nd September 1873.

Requesting that the advice given in the previous yad about Kashee Baee's daughter may be carried out.

Kashee Baee in her present petition states that they are trying to pollute her daughter; this is therefore written for your information.

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TRANSLATION of Durbar Yad No. 2929, dated 26th September 1873, in reply to Residency yads Nos. 2211 and 2241 of 1873.

States that as Kashee Baee's daughter has expressed her unwillingness to work she has been sent back to her mother. The statement made in the accompaniment to the yad of later date that they are trying to pollute her is false.

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No. 2577 P, dated Simla, 27th October 1873.

From UNDER-SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY.

IN acknowledging receipt of your letter No. 6272, dated 15th October 1873, regarding the seizure and detention of a girl in Baroda territory, I am directed to request that a copy of that communication may be laid before the Commission about to assemble for the purpose of inquiring into the condition of the Baroda Administration. It will be unnecessary, I am to add, to report further matters of this kind to the Government of India, now that the Commission has been appointed.

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No. 6269, dated Bombay Castle, 15th October 1873.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward, for the information of His Excellency the Viceroy and Governor General in Council, copy of a letter, and of its accompaniments, from the Resident at Baroda, No. 181–872, dated the 24th ultimo, on the subject of certain allegations contained in a vernacular newspaper called the "Hitechu" affecting His Highness the Gaekwar.

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No. 181–872, dated Baroda, 24th September 1873.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

IN submitting for the information of Government the accompanying Native newspaper called the "Hitechu," dated the 16th September 1873, and my letter to the Durbar of yesterday's date, I have the honour to afford the following information regarding the cases in question, the circumstances of most of which are a matter of notoriety, and if allowed to pass unnoticed, after the publicity that

has been given to them, will tend to buoy up the Gaekwar in the delusion which appears to have taken hold of his mind that his powers as an independent Prince allow of his dealing with the lives, liberty, honour, and property of his subjects as he pleases, without fear of being called to account for the same by the Imperial power to which he is subordinate.

2. No. 1 refers to the same Vishnoo Punt who was sentenced to 10 years' imprisonment in 1863 and banishment on its expiration, for the conspiracy against the life of His Highness Maharaja Khunderao, in which it will be remembered the present Gaekwar was also implicated. Vishnoo Punt was released soon after the present Gaekwar's accession to the throne, and at present occupies a post in His Highness' household.

3. His brother, Damodur Punt, is the Gaekwar's Private Secretary, and manages all matters about women. He has under his orders the notorious Tattia Poonekur and others; he is the man accused of carrying off my Karkoon's sister, and of insulting Rukma Baee, the Gaekwar's sister-in-law, in the palace itself, as already reported to Government in No. 841, dated 16th instant.

4. It is said that Vishnoo Punt's daughter was seized by her own uncle's myrmidons, and taken to His Highness' residence. She was sent back to her husband after a few days, but that on the latter refusing positively to have anything more to say to her, she poisoned herself through shame and grief.

5. With regard to No. 2 case, Hurjeevun Kevul is a large cloth trader in Baroda, and has dealings with His Highness the Gaekwar. His house is close to the palace; his daughter is said to have been taken by the Gaekwar's servants when walking on the street on her way to the temple. The father, who is a man of influence, went after her directly he heard of it, and by bribing the Maharaja's people got her off before the Maharaja himself returned from his drive; on his inquiring for her all his people declared that they could not find her. In consequence of this case, until within the last month, none of the higher Bunyahs allowed their wives and daughters to walk out in the city of Baroda. Since the Resident has taken these matters up they have done so again.

6. The third and fourth questions refer to one and the same case, and my information regarding it is as follows:—

Luxmun Punt Kothiwalla was a Karkoon of the Government granary, and lives near Bulwuntrao Yeshwunt's house, where he resided with his daughter. She was a widow of 14 or 15 years of age. Her husband was the son of Raojee Dandekur, the Karbharee of the Kiledar Baba Saheb Daheba. One day a Government shigram was sent to her father's house with a message, as from one of the Maharaja's mistresses, inviting the girl to come and visit her. On that occasion she was not procured, as her father said that she had gone to her father-in-law's house. After this her father sent her to her father-in-law's house, thinking that she would be safer there than with him; but she is said to have been carried away forcibly by some of His Highness' servants to his own residence, where she was detained for a day or two and then sent back. The girl's family are described as in great grief owing to the dishonour and disgrace which has been thus tyrannically forced upon them. This case occurred about two years ago. The father has since died.

7. The fifth case is as follows:—

The goldsmith referred to as the father of the girl is said to be Oka Shet, who lives near Govind Rao Roria's house, and the girl's husband, named Nilkunt Shet, lives near Gopal Rao Myral's house. The circumstances happened about a year ago. The Gaekwar's emissaries gave him information about the girl, and she was seized whilst going from her father's house to her husband's. The Maharaja kept her for a night and then sent her away. My informant says that she has not committed suicide.

8. I have not been able to obtain any information here about the sixth case. Mahadeo Rao is said to have gone to Broach, and the Magistrate of that station could perhaps give information about him.

9. With regard to Tani and Amba, Kisbans (question No. 7), who were arrested near Bhosawul, my information is as follows:—

Amba came to Baroda from Poona in the time of His Highness Maharaja Khunderao, who employed her as a songstress and gave her rupees 125 per mensem.

She purchased the girl Tani from one Succaram, who was at that time at Baroda. She also purchased another girl named Kashi, but from whom does not appear. Tani was about three years old when she was purchased in about 1860. Amba spent altogether rupees 7,000 upon her education and instruction in singing, and Amba's pay was raised to rupees 200 by the Gaekwar on her account. About a year and a half ago, on the occasion of His Highness proceeding to Dupka, it is said that he desired Amba to send Tani there alone, which Amba declined to do, but said that she herself would accompany her. His Highness is said to have been angry at this, and on leaving for Dupka that he ordered them not to leave Baroda. A few days after his departure Amba, accompanied by Tani and her father Succaram and three persons, named Bulwuntrao Sagurkur; and Bhugwunta of the Goorow caste, and one Narayen Bhut, a Brahmin, secretly left Baroda and went by rail to Bombay, and thence to Bhosawul, where they were apprehended on a charge of theft by the Railway Magistrate on a complaint made by Karkoon Venayek Rao, of the Senaputty's department, Baroda.

10. The date of their apprehension at Bhosawul was on or about the 30th November 1871; they were thence brought to Baroda, their property attached, and they were thrown into prison, with the exception of Tani, who was taken possession of by His Highness, and she was placed in charge of Hurriba Gaekwar. Succaram, the father of the girl, died in gaol, and Amba, her protectress, is said only to have been released from gaol in April last at the special request of Mr. Venayek Wassoodeo, the Oriental translator to Government, who, on the occasion of the Minister's visit to Bombay with the Resident, interceded for her.

11. The Durbar has been desired to forward the whole of the persons concerned in this case to the Residency, because a good deal of property belonging solely to Amba appears to have been seized by the Government, and I am not satisfied as to the facts in the *primâ facie* case.

12. No. 8 is the case of my Karkoon's sister, whom Damodur Punt, the Private Secretary to His Highness the Gaekwar, and Govind Rao Bulwunt, the Karkoon of the Senaputty, carried off last month.

13. The purport of the proclamation, &c., referred to in question No. 9, appears to be as follows:—

That if during the *Hoolee* any woman came out of her house in the city, *rung* would be thrown upon her, and that no complaints would be received by the Government for anything that might happen to her. That the Maharaja himself would go out, and that the people might throw *rung* on him, and he on the people.

Accordingly, His Highness and his Durbar took rung in small pumps on elephants, and there were also four elephants, upon each of which were two guns (blunderbusses perhaps) loaded with gunpowder and goolal, which were fired off upon the people. The revenue Sir Sooba, Hurriba Gaekwar, has the management of these so-called festivities, and the amount expended on the *Hoolee* in question is said to have been two lakhs. The red powder alone cost rupees 65,000.

14. Last October a sham fight with fireworks, &c., was got up between some of the lower classes in the suburbs of the city, which altogether cost the state rupees 75,000, and another affair at the Nag Punchmee, when all the prostitutes of the city were collected together, is said to have cost rupees 30,000.

15. The case of Jugoba Jugtab referred to in question No. 10 is as follows:—

This Sirdar is married to a daughter of the late Gaekwar Gunput Rao. She and her husband went to Kolhapoor last year to visit her sister, who is married in the Raja's family there. Jugtab's wife obtained two girls at Kolhapoor, which she brought to Baroda; one of them became his mistress, the other waited upon his wife. As usual the beauty of Jugtab's mistress was reported to the Maharaja, who sent his Jassoods to bring her to him. Jugtab shut her up in a room, placed his back against the door, and drawing his sword defied the Maharaja's people to come on. They prudently returned and reported the matter to their master, who became very angry, and out of revenge has stopped the man's allowances and troubled him in various ways. He called upon me and gave me the accompanying petition, which exactly illustrates the way in which these affairs are carried out by His Highness.

I spoke both to His Highness and the Minister, who, as usual, made out that Jugtab had a slave girl, and that it was proper to deprive him of her. I requested that they would not stop the man's allowance and would refrain from persecuting him. They made out that he was greatly in debt, and that he drank. His petition is marked A. and attached.

16. The circumstances referred to in the 11th question are, as related to me, so disgraceful that had I not become accustomed to hear of Gaekwar doings I should not have believed them. I believe the following to be a true outline of them.

Previously to the *Hoolee* of March 1872 the Maharaja Mulharrao appears to have made great preparations for its celebration by having a large cistern constructed in rear of his palace, and by placing all the prostitutes of the city to the extent of 100 to 150 under surveillance so that none could leave the city.

17. Daily for several days during the *Hoolee* these poor wretches had to be collected in the stable-yard in rear of the palace between 11 a.m. and 5 p.m., and having been provided with light clothing His Highness himself and his Minister and Hurriba Gaekwar and others amused themselves by setting several pumps fitted with hose, &c., to pour coloured water on them, which was obtained from the cistern. His Highness and his two friends actually directed the hoses themselves, and, as the effect of the water on the light clothing tended to render the persons of these poor wretches clearly discernible, the manner in which the hoses were directed to certain parts of their persons appears to have been the principal point of amusement to this independent Prince, and I need scarcely say of proportionate disgust to his people, only the very dregs of whom attended.

18. Having been for several days in succession exposed to this barbarous treatment, several of the women became very ill, four especially so, and out of these two died.

19. I had never heard of this case before, but I can now understand the expressions regarding the character of the present reign which respectable subjects of His Highness have made use of to me without entering into details.

20. The Durbar reply to the accompanying letter will be submitted when received.

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Dated Baroda, 23rd September 1873.

From Resident, Baroda, to His Highness the Gaekwar.

The accompanying Native newspaper called the "Hitechu," dated 16th instant, was sent to me anonymously by post yesterday; and as it contains serious charges in the form of eleven questions against Your Highness' Government, I deem it my duty, as the representative of the protecting power at your Court, to draw Your Highness' attention to paragraph 5 of the Government letter No. 1 T, dated 23rd April last,* forwarded to you with my letter of the 28th idem, the principle contained in that paragraph being as applicable to the present case as it was to the one which elicited it.

* No reply has yet been received to this letter.

2. The extract referred to is as follows:—

"A Native Durbar, with which the Government has very close relations, is publicly charged with acts which, as represented, are in the highest degree reprehensible, and His Excellency in Council feels it incumbent upon him to make the Gaekwar clearly aware of the necessity of his submitting such explanations as will establish the propriety of the course which he has taken, &c., &c."

3. It is within my own knowledge that the Vishnoo Punt referred to in the first case on the list is the same man who was convicted in 1863 of conspiring against the life of His Highness Khunderao, and sentenced to ten years' rigorous imprisonment, and on its expiration to be banished from Gaekwar territory under pain of five years' further imprisonment; that Your Highness has released this man from prison, and that he holds a place in your household. Explanation is now

required regarding the death of this man's daughter about a year ago, and so on with regard to each case brought forward up to No. 11.

4. No. 7, the case of Amba and Tanee, singing girls, has already been under reference to the Residency, and as I do not find on my records any reply from the Durbar to Colonel Barr's yad No. 2742, dated 20th December 1871, requiring the persons concerned in the case in question to be sent to the Residency in order that the Resident might satisfy himself as to the correctness of the *primâ facie* case against them, I now request that this may be complied with, and the following persons sent up to me :—

Amba.
Tanee.
Kashee.
Succaram, the father of Tanee.
Bulwuntrao Sagurkur.
Bugwunta Goorow.
Narayen Bhut, Brahmin.

5. No. 8 is the case of the Residency Karkoon's sister, re-forwarded to the Durbar for settlement, with my yad No. 2240, dated 22nd instant.

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Dated Baroda, July 1873.

From JAGDEVRAO JAGTAP to RESIDENT at BARODA.

I THE undersigned Jagdevrao Jagtap, residing at Baroda, near the Topkhana, most respectfully beg to bring to Your Honour's notice the following few lines, and hope they will meet with your favourable consideration.

My grandfather, Ragherjeerao Appa, was the maternal uncle to His Highness the late Syajeerao Maharaj, and my aunt (my father's sister) was given in marriage to the late Nana Saheb Gaekwar, and a Nemnook is still paid to us on that account. Besides in Sumbut 1919 I married the daughter of His Highness the late Gunputrao Maharaj, and thus became his son-in-law. A Nemnook of rupees 8,000 was made to me, besides two villages were given in *Rangee Dan* (marriage dowry), and we used to receive provisions, &c., and received invitations for Sowaree and Shikar as a mark of particular honour.

That on Wednesday, the 14th of July, Ashad Vadya 7th, one Durbar Naik, by name Gooniaba, came to my house with some peons from the Senaputty kutcherry, and told me that my maid is required by His Highness. I told him that my maid Kamla has been taken away in the Durbar since the last seven days, and I have no other maid. The Durbar Jassood went to inform His Highness of my answer, but he was met in the road by another Jassood, Gangajee Kharda, and Gunoo Harkara of the Senaputty kutcherry, driving in a buggy, who brought him back to my place, and told me that His Highness wanted my kept woman Radha. My answer was that I would never part with her. The Jassood upon this made a great row. One of the Jassoods and some sepoys of the Senaputty kutcherry emphatically told me that they would not return without taking away my kept woman Radha. Jassood Gangajee and the Harkara went back to report the same to His Highness. Whereupon Jassood Patel Doomaria with some ten or fifteen Fouzdaree sepoys were sent, who forced their presence to the zananee door. I upon this locked her in the room and kept the key with me, and told the men that this is not a Bunyah's or Brahmin's house, but that of a Mahratta, and asked them where they were going. The Jassood said, " Keep yourself out of the way and let us take her away ; if not you will suffer something with regard to your Nemnook." He used all sorts of disrespectful terms, and made a great row, and began to open the door forcibly. I, then, in the heat of my excitement, took a sword in my hand, and told them that they will never be allowed to take her until we both were dead. Upon this the Harkara and Gooniaba Jassood went to report all this to His Highness, and Jassood Patel Doomaria and the Fouzdaree peons remained in my compound. Seeing all this, and fearful of the consequences, *my wife* went to His Highness ; Jassood Patel Doomaria also went after her. My wife much expostulated with His Highness, but to no purpose. His Highness, to add fuel to the fire of my heart, perforce kept the

maid Krishna who was with my wife. All this lasted for about four or five hours. Serious results would have ensued from this intolerable oppression had I not the full confidence of meeting justice at Your Honour's hands. Oppression of this kind still reigns, and it is very difficult for a respectable man to live here. His Highness having failed at present to gain his object, I fear of what waits me hereafter, and so most humbly crave your protection every way. I hope you will try to have my allowance paid to me properly through you.

Hoping you will protect me in such a critical time.

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No. 2609 P, dated Simla, 29th October 1873.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY.

I AM directed to acknowledge receipt of your letter No. 6269, dated 15th instant, forwarding copy of a communication from the Resident at Baroda relative to certain allegations affecting His Highness the Gaekwar which appeared in a Native newspaper.

2. Now that a Commission has been appointed to inquire into the condition of the Gaekwar's administration it will be unnecessary to forward such correspondence to the Government of India. A copy of the letter under acknowledgment should be furnished to the Commission.

3. With reference to the immediate subject of your letter, His Excellency the Viceroy and Governor General in Council regrets that he cannot approve of the action taken by the Resident in the case. Whatever truth there may be in the allegations, it was, in the opinion of His Excellency in Council, an injudicious proceeding on the Resident's part to demand from the Gaekwar officially and in writing an explanation of statement made in a copy of an obscure Native newspaper, which was sent to him anonymously. Such a course was not calculated to lead to a cordial understanding between the Resident and the Gaekwar. At any rate, it ought not to have been resorted to until the Resident had sought and failed to obtain by private and direct personal communication with His Highness such explanation as he considered necessary in respect to such of the allegations as he believed to be substantially true.

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Telegram, dated 25th October 1873.

From PRIVATE SECRETARY, GOVERNOR of BOMBAY, Parell, to FOREIGN SECRETARY, Simla.

THE Resident, Baroda, has received the Gaekwar's reply, in which he entreats that Commission may not be sent, and promises to do whatever Government require through the Resident. On receipt of the khureeta this Government will communicate further if necessary.

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Khureeta, dated Baroda Palace, 25th October 1873.

From His Highness MULHA RAO MAHARAJA GAEKWAR SENA KHASKHEL SUMSHERE BAHADOOR to His Excellency the VICEROY and GOVERNOR GENERAL of INDIA.

I AM in due receipt of Your Excellency's khureeta, dated 15th October 1873, accompanying the letter dated 21st October, from His Excellency the Governor in Council of Bombay.

The main tenor of Your Excellency's khureeta is to the effect that, from the representations that have been made to Your Excellency regarding the conduct of my administration, Your Excellency entertains an apprehension that the peace of the country is in danger, and that Your Excellency has determined to appoint a Commission to investigate and discover whether the allegations made to Your Excellency in Council are correct.

It is not my intention to occupy Your Excellency's valuable time by a narration of the details of the nature and causes of the complaints that have reached Your Excellency in Council.

The task of finding out the merits or defects of an administration that has been conducted in conformity with the established rules and usages, from a remote period, is at all times a laborious and an ineffectual one; and it is highly gratifying to me to observe that Your Excellency, leaving this aside, has very kindly offered to aid in and promote the well-being of this State, by proposing measures for the improvement of its administration, as the adoption of these measures is highly creditable on account of the favourable regard and friendly sentiments that Your Excellency cherishes towards this State. It appears to be also the tenor of Your Excellency's well-intentioned khureeta that the final object of the appointment of the Commission (to the result of whose investigations Your Excellency is pleased to attach importance) is the good of this State, and, if this object can be attained independently of the medium of the Commission, I am quite confident that Your Excellency will never issue orders for its appointment, when it is plain that it is associated with the inseparable consequence of inflicting upon this State a distressing humiliation in the eyes of the world.

I am deeply obliged to Colonel Phayre, whom I consider as my best friend and well-wisher of this State, for kindly directing my attention to these measures of reform; and deeming that the prosperity of my State lies in proportion as I encourage and forward these projects, which is the only sure test of my finding favour in the eyes of the British Government, and of deserving their esteem, I was impressed with the importance of directing my attention to discharging the duties that are conducive to the welfare of my subjects and State, and accordingly I communicated this intention of mine to His Excellency the Governor of Bombay in a khureeta dated 25th August 1873. My object in doing so was to inform that Government that I was very desirous of introducing the best mode of administration in my State; and to enable me to carry out these views I asked the Resident to offer me three Native officers well educated and experienced in these matters from the British service to be retained in mine.

Being thus anxiously solicitous to reform the administration of my State to the utmost of my power, and having resolved to realise this to your Excellency within a reasonably short space of time by establishing equitable rules and laws, and further being backed in my endeavours at reform by a zealous and energetic officer and Resident like Colonel Phayre, who is only (I am happy to say) too glad to assist me with his advice, and to the best of his power, in carrying out these views, as well as those affecting the grandeur, honour, and stability of my State, and whose appointment at such a time as Resident at my Court I have therefore reason to congratulate myself upon, what need then is there for the appointment of a Commission, when I am sincerely willing, and have resolved to carry out thoroughly this work of " State reform " by the advice and co-operation of Colonel Phayre?

This State, my Lord, stands *first* among all the Native States that are under Your Excellency's benign protection, and it has been behaving towards the British Government with perfect fidelity on all occasions for more than a century. It has been generously cherished and protected by Your Excellency, as well as by those who were your predecessors in office, up to this time, and on *no* occasion has its dignity been suffered to be lowered, but, on the contrary, it has been favoured with memorable and enduring tokens of your generous regard and consideration, while every attention has been shown towards raising its grandeur. It rests therefore with Your Excellency to consider how much it will tend to afflict my mind if this State were to be thus degraded in the eyes of the public during the administration of an upright and discreet Statesman as Your Excellency is.

The British Government has hitherto fully and faithfully respected the Treaties and engagements made by it with this State, and it has also expressed assurances that it would cordially observe the aforesaid engagements in future in respect of this State. Upon these assurances and promises this State has been wholly relying. I feel confident that so long as I continue to improve my State the British Government will not in any way suffer it to be degraded by interfering with its administration. Your Excellency is pleased to remark in your letter that it is not your intention to interfere with the details of the administration of this State, and I have no doubt that such is Your Excellency's intention. But the appointment of a Commission will subject me to a greater humiliation than an interference with the details of my administration, as such a measure will surely lessen the respectful hold I have

on my subjects, and it will also cause my authority to be set at defiance. Hence it is requested that such a state of things will never be allowed by Your Excellency to come to pass, in consideration of the staunch relations of friendship that subsist between the British Government and this State. For the object contemplated by Your Excellency is the improvement of this State, and I am quite willing to assist at its fruition. What need then is there of a Commission?

The British Government is undoubtedly the paramount power in India, and the existence and prosperity of the Native States depend upon its fostering favour and benign protection. That Government always exercises its power with due consideration, and is ever solicitous for the preservation of all the rights and privileges of Native Princes. Owing to this just and considerate regard on the part of the paramount power, this State has been in the enjoyment of all the comforts consistent with its position. I have, therefore, not the slightest ground for apprehension that, so long as there is a discreet, impartial, and generous Viceroy and Governor General like Your Excellency to rule India, our just prayers will be unheeded, or an unfavourable reply given us.

In conclusion, I beg respectfully to solicit and fervently hope that, taking the above circumstances into your deliberate consideration, Your Excellency will remove the cause of my anxiety by countermanding the order for the appointment of a Commission, and by favouring me with a reply, which will greatly contribute to cheer my spirits and encourage me in the amelioration of my State.

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No. 2 CP, dated Camp Agra, 15th November 1873.

From Secretary to the Government of India, Foreign Department, to Secretary to the Government of Bombay.

I am directed to forward, for delivery to the Gaekwar, a letter from the Viceroy, in reply to His Highness' letter of 25th October 1873.

2. A copy of the letter is enclosed for the information of His Excellency the Governor of Bombay in Council.

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Khureeta, dated Camp Agra, 15th November 1873.

From His Excellency the Viceroy and Governor General of India to His Highness Maharaja Mulhar Rao Gaekwar Sena Khas Khail Shumshere Bahadoor.

I have had the honour to receive Your Highness' letter of 25th October, in which you request that I will countermand the orders for the appointment of the Commission of which intimation was given to Your Highness in my letter of 10th October.

My friend, I am gratified to learn that you are very desirous of introducing the best mode of administration in your State, and that you are anxiously solicitous to reform your administration to the utmost of your power. The inquiries and suggestions of the Commission, which is composed of intelligent and experienced officers of high standing, will, I doubt not, prove of material assistance in the attainment of this desirable end. Moreover, the object which I had in view in issuing the orders referred to is one of such importance, and so intimately affects the relations between the British Government and Your Highness, that I consider it necessary that the Commission should proceed to execute the duties with which I have entrusted them.

Your Highness may rest assured that every consideration will be paid to your honour and dignity and to the best interests of your State.

I beg to express the high consideration I entertain for Your Highness, and to subscribe myself Your Highness' sincere friend.

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Dated Bombay Castle, 28th October 1873.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

IN acknowledging the receipt of your letter No. 2427 of the 10th instant, I am directed by His Excellency the Governor in Council to convey to the Government of India his thanks for the explanation afforded in your letter of the grounds on which it is held to be desirable to adhere to the proposal to entrust to the Commission which has now been appointed the duty of reporting on the condition of the Gaekwar's Contingent, to which His Excellency in Council has no desire to offer any further opposition.

2. There is, however, one portion of the instructions contained in your previous letter, No. 2209, of which it is His Excellency's hope that before the Commission enters on its labours His Excellency the Viceroy in Council may be induced to consent to some modification. I allude to the 7th and 8th paragraphs of your letter.

3. This Government is certainly not entitled to complain that the Government of India does not apparently take the same decided view of the obligations resting on the British Government as that enunciated in my letter of the 29th ultimo, No. 67 T, and from which His Excellency is not prepared to recede. Neither can it complain that the Government of India regards the complaints of general misgovernment as more difficult to deal with than those of wrongs done to British subjects. But his Excellency the Viceroy in Council will assuredly recognise the fact that this Government has, in the discharge of its duty, recommended the institution of a very serious inquiry, the result of which must have an important bearing on the character of this Government, and on the future position of the Gaekwar himself. The Government of India has accepted the recommendation, and has decided that the inquiry must extend not only to the cases of British subjects, but to the alleged mal-administration, the existence of which will have to be proved. The Government of India, therefore, would undoubtedly regret if the inquiry should be rendered fruitless by failure to obtain the necessary evidence.

4. It is for this reason that His Excellency in Council feels constrained to call attention to the opinion expressed in your letter that the Government "would look to His Highness to take the necessary measures to redress individual grievances," and to the instruction that the inquiry of the Commission should be conducted "not so much with a view to the redress of individual grievances as for the purpose "of ascertaining whether such general mal-administration exists as to call for the "further interference of the British Government." It may be regarded as tolerably certain that the mal-administration will be established much more by acts of oppression, of which the subjects of the Gaekwar have been the victims, than by wrongs done to British subjects. But if complainants of the former class are to be told that they must look for redress to the Durbar, and that they will be, as it were, left to their mercy, we cannot expect them to incur the risk of substantiating their cases before the Commission; and the inevitable result of its failure for want of evidence will be the perpetuation and aggravation of the existing evils.

5. His Excellency in Council, therefore, most earnestly recommends that the Commission should be empowered in the case of every complainant whose evidence they may decide on receiving to assure him that he will be fully protected by the British Government, and that in the event of his complaint being established to their satisfaction the question of his receiving proper redress would not be passed over.

6. It should not be forgotten that the Ministers whom it has been decided to retain in office are most deeply implicated in the mal-administration if it has existed, and will have at their command, available for thwarting the inquiry, the whole of the influence and resources of the State.

7. In conclusion I am to acknowledge the receipt of the copy of the letter addressed to Colonel Meade, No. 2514, dated the 20th instant, in which he is authorised to communicate to the Gaekwar so much of the correspondence that had passed up to your letter No. 2209 as he might think fit; and I am to state that

His Excellency in Council proposes to request Colonel Meade to defer acting on that authority until made acquainted with the decision of the Government of India on this representation.

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No. 4 CP, dated Camp Agra, 15th November 1873.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY.

I AM directed by His Excellency the Viceroy and Governor General in Council to reply as follows to your letter without number, dated 28th October 1873.

2. His Excellency in Council observes that there appears to be some misapprehension as to the meaning and scope of paragraphs 7 and 8 of my letter No. 2209 P, dated 19th September. These paragraphs were intended to explain that the grounds on which His Excellency in Council was induced to appoint a Commission of inquiry lay in the alleged general misgovernment of the Baroda State in all departments of the Administration for which remedies could not be applied in the ordinary way, and that the existence or non-existence of such general misgovernment, with the general measures which such misgovernment would necessitate if established, should form the main subject of the inquiries and recommendations of the Commission. They did not refer to the course which Government may take with reference to such facts as the inquiries of the Commission may establish. The charges of general mal-administration can of course only be proved by specific instances; the redress of individual grievances may possibly follow on our intervention, and in any case individual complainants will receive the benefit of any general remedies that Government may eventually decide on applying. But all this must necessarily depend on the facts which may be established with reference to the general charges of misgovernment. A few isolated cases of miscarriage of justice would not, in the opinion of His Excellency in Council, necessitate unusual and extraordinary interference with the Gaekwar's administration.

3. His Excellency in Council does not think it would be desirable to give any general guarantees to the Gaekwar's subjects. These have been found in times past to be productive, in regard to the Baroda State, of very serious inconvenience. If, however, in any particular case, which may be actually under inquiry before the Commission, the protection of the British Government be claimed, and the Commission are of opinion that the interests of justice require that an assurance of protection be given, His Excellency in Council will not object to the person concerned being informed that he will not be allowed to suffer for any truthful statements he may make before the Commission.

4. His Excellency in Council is of opinion that in justice the Gaekwar should be informed of the charges against him, and of the reasons which have induced His Excellency in Council to appoint the Commission. Colonel Meade should, therefore, be left free to act on the discretionary power conveyed to him in my letter No. 2514 P, dated 20th October.

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Telegram, dated 21st November 1873.

From COLONEL R. J. MEADE, Baroda, to FOREIGN SECRETARY, Viceroy's Camp, Agra.

YOUR letter of the 15th November to Bombay Government, paragraph 3. Resident having represented urgent necessity for his protecting the persons brought forward by him to give evidence before Commission, we authorised his giving notice that such persons would be under his protection as Resident in respect of *bonâ fide* evidence so given by them, the responsibility of bringing forward each case resting with him, as we only take up those he lays before us. This course appears to us to be necessary, but we regret to find that we have gone beyond the wish of the Governor General on that point. We venture to submit that a retraction of the

notice, which conveyed no assurance beyond that stated above, might have mischievous effects, and to recommend that it may be allowed to stand. Should this not be approved, the Resident shall be at once instructed accordingly with the purport of paragraph 3 of your letter. Any further question of the sort that may arise shall be referred for orders.

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Telegram, No. 25 CP, dated 22nd November 1873.

From FOREIGN SECRETARY, Viceroy's Camp, Agra, to COLONEL R. J. MEADE, Baroda, care of Resident.

GOVERNMENT regrets general notice, but it should not be recalled. Viceroy trusts you will restrict its effect as to protection to narrowest limits possible.

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Dated Baroda, 18th November 1873.

From SECRETARY, BARODA COMMISSION, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed by the President of the Special Commission on Baroda affairs to submit, for the information of His Excellency the Viceroy and Governor General in Council, the following Report on the proceedings of the Commission, and the progress made in the duty on which it has been deputed up to the close of the week ending the 15th instant.

2. The members of the Commission assembled at Bombay on the 31st ultimo, and held their first meeting on the following day, the 1st November, when the course it appeared to be desirable to adopt in view to carrying out the orders of the Government of India was discussed and agreed on, and the Resident was informed by the President accordingly, as set forth in a letter of that date, of which a copy is appended.

3. On being informed by Colonel Phayre that he was ready to bring forward the cases that were to form the subject of inquiry, the President addressed to the Gaekwar the khureeta of which the English version is appended, and the Commission proceeded to Baroda on the 8th instant, and on Monday, the 10th, commenced its formal sittings, which were continued daily from 11 a.m. to 5 p.m. during the week.

4. The first sitting was entirely taken up with the perusal by the Resident of the more important statements and papers he desired to lay before the Commission, and hearing from him a general exposition of the circumstances which had necessitated the representations from his office on which the assembly of the Commission had been ordered by the Government of India.

5. It was the wish of the Commission that the complaints of injustice and oppression at the hands of the Durbar or its officials preferred by British subjects should be first taken up, but the Resident was urgent that those of the Sirdars and military classes should have precedence, as he was apprehensive that any delay in dealing with them might lead to trouble, in consequence of the serious discontent of some of these parties, and the remainder of the past week was accordingly given up to an inquiry into their grievances. It is hoped that this part of the inquiry will be completed about the middle of the current week.

6. I am directed to add for the information of His Excellency in Council that nothing of importance has yet transpired, calling for further special report.

P.S.—It is perhaps proper to mention in this report that His Highness the Gaekwar, accompanied by the Resident, visited the President of the Commission in a private manner on the 10th instant, and that at his request all the members of the Commission paid him a private ceremonial visit with the Resident at the Palace the following day.

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Dated Bombay, 1st November 1873.

From PRESIDENT, SPECIAL COMMISSION of INQUIRY on Baroda affairs, to RESIDENT at BARODA.

I HAVE the honour to inform you that the Commission recently nominated by the Government of India to inquire into and report on certain matters connected with the Baroda State, and composed as per margin, has assembled at Bombay, and is prepared to proceed with the duty for which it has been formed as soon as you are in a position to enable it to do so, by bringing forward the cases which are to be laid before it for inquiry.

*President.*
Colonel R. J. Meade, C.S.I.

*Members.*
The Hon. E. W. Ravenscroft.
Colonel Etheridge, C.S.I.
Nawab Faiz Ali Khan Bahadoor, C.S.I.

2. It appears to me that the first step that should be taken before entering on the business of the Commission is to define as closely as possible the course we propose to follow, and the class of cases we shall be prepared to investigate, as generally described in the despatch noted in the margin, of which you have doubtless been furnished with a copy, and having consulted my colleagues on these points I beg to inform you that we shall first take up and inquire into such complaints of British subjects not already disposed of as you may consider it to be of a sufficiently grave character to demand investigation at our hands; and when this portion of our work is completed, shall be prepared to consider and deal with the cases of subjects of the Baroda State, or other persons not being British subjects, which you may deem it necessary to bring forward as proofs of general mal-administration on the part of the Gaekwar's Government, threatening the peace of the Baroda State itself and the adjoining British and Native districts, and affecting, or likely to affect, the existing treaty relations between the Gaekwar and the British Government.

From Government of India, Foreign Department, to the Bombay Government, No. 2209, per date 19th September 1873.

3. In respect of the first of the class of cases referred to in the preceding paragraph, the Commission is of opinion that its inquiries should be strictly limited to grievances in which the principal concerned is *bonâ fide* a British subject, and as such entitled to claim the protection of the British authorities against the oppressive action or proceedings which form the subject of complaint; and (2) that cases of a minor or petty character, the settlement of which should ordinarily and as a matter of course be disposed of by your office, should not without some special reason therefore be brought forward for investigation.

4. In respect of the second class of cases, the object in view is not the intended redress of individual grievances, but the establishment or otherwise of a sufficient number of instances of grave oppression or misgovernment to enable the Commission to form an opinion as to the existence, as alleged, of such general mal-administration on the part of the Gaekwaree Government as to imperil the peace of the country, and to affect the existing relations between His Highness and the British Government, and none but cases of a sufficiently serious character to bear clearly on the object of this branch of the inquiry should, we consider, be laid before us for investigation.

5. I have therefore to request that you will have separate Schedules prepared of the two classes of complaints above adverted to, no cases being included therein, except such as would have to be inquired into under the terms of the preceding remarks, and that you will have the goodness to furnish the same to me at the earliest possible date.

6. As it is of importance that as little delay as possible should occur in the commencement of its work by the Commission, I trust that you will have a sufficient number of the first class of cases, viz., those affecting British subjects, ready to enable us to proceed with them as soon as the arrangement for the accommodation of the Commission at Baroda, now in progress under the orders of the Bombay Government, are completed.

7. It is only necessary for me to add, in reference to the complaints of British subjects that may be brought forward for inquiry by the Commission, that the right of the complainant in each case to the protection he claims as a British subject should, we are of opinion, be duly inquired into and decided by yourself before such case is inserted in the Schedule. Without this precaution, complications and waste of time may occur which it is desirable to provide against.

8. Though the Commission is decidedly of opinion that it should limit its inquiry to cases of the description already adverted to, it will of course be open to you to lay before it separate supplemental Schedules of both classes of complaints, which, though not of a character to demand special inquiry, may yet be regarded by you as of sufficient importance, in support of the general allegations against the Gaekwar Government, to render it proper that they shall form part of the general case brought before the Commission. No complaint of a frivolous, vexatious, or petty character should, however, find a place in these supplemental Schedules.

9. There may probably be some cases of a specially grave character, which, though not falling under either of the two classes already adverted to, may yet be of so serious a nature as in your opinion to necessitate their being laid before the Commission as part of the general subject for inquiry. If there are any such cases it will be convenient that they be recorded in a separate Schedule for the consideration of the Commission, which will be guided by the merits of each such case as to the course it should take in dealing with it.

You will doubtless give each case of this class due consideration before inserting it in the Schedule so as to limit the entries in it strictly to such instances alone as ought clearly to find a place therein.

10. I trust it may be generally made known to, and be understood by, the persons complaining, or desiring to prefer complaints, against the Baroda Government that this Commission can receive no complaints direct, and that it is only empowered to inquire into or otherwise deal with such cases as are laid before it for that purpose by yourself as British Resident.

11. I will do myself the honour of forwarding in a separate communication a letter to the Gaekwar's address, intimating to him the assembly of the Commission and the course generally we propose to adopt in carrying out the object of its deputation.

P.S.—The case of the Contingent will form the subject of a separate letter.

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From PRESIDENT, SPECIAL COMMISSION on Baroda affairs, to His Highness AZAM MULHAR RAO GAEKWAR SENA KHASKEL SHUMSHERE BAHADOOR, Maharaja of Baroda.

YOUR HIGHNESS has been informed by the Viceroy and Governor General of India, in His Excellency's letter to your address dated 19th September 1873, that it was his intention to appoint a Special Commission to investigate certain allegations in connection with the administration of Your Highness' territories, which are alluded to in general terms in that letter.

I have now the honour to inform you that the Commission nominated by His Excellency the Viceroy and Governor General for this purpose, and composed of the Officers and Native gentleman named in the margin, has assembled at Bombay in accordance with the instructions laid down for its guidance, and that it proposes to proceed to Baroda on the 8th instant, in view to carrying out the duty on which it has been deputed.

*President.*
Colonel R. J. Meade, C.S.I

*Members.*
The Hon. E. W. Ravenscroft.
Colonel Etheridge, C.S.I.
The Nawab Faiz Ali Khan Bahadoor, C.S.I.

The Resident, Colonel Phayre, C.B., through whom this letter will be forwarded to Your Highness, will be requested to furnish you with full particulars of the course the Commission propose to take in the investigation it has to conduct, and the arrangements that may be needful and desirable on Your Highness' part.

He will also supply Your Highness with transcripts of all complaints that he may deem it his duty to lay before the Commission for inquiry, and generally with such information regarding its proceedings as should be communicated to Your Highness.

I will only add that the nature and scope of the Commission's inquiries will be strictly limited to the subjects and objects stated in the letter from His Excellency the Viceroy and Governor General to your address, already adverted to, and that we rely with confidence on receiving from Your Highness, through the Resident, such assistance towards carrying out our investigation satisfactorily and with despatch as it may be in your power to afford.

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## Telegram No. 4 A C R, dated 26th November 1873.

From Foreign Secretary, Viceroy's Camp, Agra, to Colonel R. J. Meade, Baroda.

Vide Telegram from Baroda below.

Telegram, dated 25th November 1873.

From Colonel R. J. Meade, Baroda, to Foreign Secretary, Viceroy's Camp, Agra.

Resident urges inquiry into general abuses of revenue administration and oppressive rates of land assessment. We do not consider this to have been intended by Government of India, and could not be properly carried out within a reasonable period, while it might embarrass the Gackwar's Government by interfering with the collection of the revenue. Please signal Viceroy's wish on the subject.

Your telegram of yesterday. Viceroy approves your views, and does not desire inquiry into revenue administration and alleged oppressive rate of assessment.

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## No. 29, dated Baroda, 1st December 1873.

From Secretary, Special Commission on Baroda affairs, to Secretary to the Government of India, Foreign Department.

I am directed by the President of the Special Commission on Baroda affairs to report, for the information of His Excellency the Viceroy and Governor General in Council, that little progress was made in the business of the Commission during the week ending 29th ultimo, its proceedings as regarded the taking of fresh evidence having been partially suspended, consequent on the urgent request of the Resident to that effect, in view to enable him to complete the preparation of the Schedules, as originally desired by the President, and since repeatedly urged on him, which he represented he was unable to do whilst compelled to attend the daily sittings of the Commission throughout the whole of the working hours of each day.

2. The Commission has, however, continued to sit daily as usual, and has devoted its attention to the completion of such work as was practicable. Thus the reply of the Durbar in the cases of the Sirdars and Beejapoor Thakoors was received and recorded, and the disposal of these cases, with the opinion of the Commission on each, was almost finally concluded.

3. On the 26th ultimo the orders of Government regarding the inquiry desired by the Resident into the general abuses of the Gaekwar's revenue administration and the alleged oppressive rates of assessment imposed under it were received by telegram from your office, and were at once communicated to Colonel Phayre, with a request that he would bear the same in mind in bringing forward further cases for inquiry by the Commission.

4. As the Resident has intimated in reply that these orders and the course taken by the Commission in requesting that he would draw a distinction between (1) the case of ordinary British subjects visiting the Baroda State, who had been subjected to violence or other ill-treatment or oppression, and (2) that of bankers or traders, residing in the Gaekwar's limits, claiming protection as quasi-British subjects on the score of having come from British districts originally, or of having branch firms or houses of business therein, but whose grievances against the Gaekwar were such as would ordinarily form the subject of civil actions for nonpayment of debts due, &c., would deprive him of the means of bringing forward most important evidence of mal-administration, as well as of His Highness Mulharrao's personal treatment of British bankers, traders, &c., who under the exceptional conduct of the present Gaekwar have no means of redress for considerable losses, except through the medium of the Commission, the President deems it desirable to submit for the information of His Excellency in Council copies of the correspondence* that has passed on the subject, and to express his hope that the course taken by the Commission, as set forth therein, and the communications already submitted to your office, may meet with the approval of Government.

* Resident's No. 1075, dated 27th ultimo.
Our Secretary's No. 21, dated 28th ultimo.

5. Nothing, I am to add, can be further from the wish of the Commission than to throw any difficulty in the Resident's way, or to prevent his bringing forward any grievance that it is its duty to inquire into, under the instructions conveyed in your

letter to the Government of Bombay, No. 2209 P, dated 19th September last, but it has from the first been clearly necessary to draw a line between grievances of this distinct character, in which the right of the British Government to interfere is undoubted, and others in which, however serious to the parties concerned, such right does not clearly exist, or would not, under ordinary circumstances, be exercised.

6. The Commission has not in any way interdicted the entry in the Schedules under preparation by the Resident of cases of the latter class within due and reasonable limits, but it has directed that they may be shown in the supplemental lists instead of Schedule I. or II., which will enable the Commission to deal with each such case on its merits, and to inquire into it or not, as may, on due consideration, appear desirable or necessary.

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No. 21, dated Baroda, 28th November 1873.

From Secretary, Baroda Commission, to Resident at Baroda.

I am directed by the President of the Baroda Commission to acknowledge your letter, No. 1075, of yesterday's date, and in reply to state that, in the opinion of the Commission, the letter addressed to you by the President from Bombay on the 1st instant is sufficiently clear and specific as to the course the Commission would adopt in carrying out the duty entrusted to it by the Government of India, and that it is not prepared in any material respect to deviate from that course.

2. With respect to the directions conveyed in my letter No. 2, of the 10th instant, for the transfer from Schedule No. I. to No. III. of certain cases of complaints of British subjects, which did not appear to the Commission to fall within the meaning and intention of paragraph 5 of the despatch of the Government of India, No. 2209 P, dated 19th September last, I am instructed to point out that the absolute exclusion of these cases from the Schedule was not required or intended, but merely their transfer from one Schedule to another.

3. There is undoubtedly some difference of opinion between yourself and the Commission as to what should constitute an absolute right to the protection of the British Government in this inquiry of persons claiming to be British subjects, whose grievances are of the character set forth in the cases referred to, but the arrangement that has been decided on will exclude no such case from the consideration of the Commission, and it deems the line it has drawn in this matter to be necessary and in accordance with the intentions of the Government of India.

4. Under the orders communicated in my No. 19, dated 26th instant, the Commission is unable to investigate grievances which consist only of alleged oppressive assessment or taxation on the part of the Gaekwar's Government, but there is no objection to a list of such grievances, where associated with violence or other ill-treatment towards the complainants, of a character likely to cause general discontent, being laid before the Commission in part of Schedule II., and the cases entered in such list, when received, shall have all due consideration at the hands of the Commission.

5. Instances of gross bribery and corruption on the part of the chief Durbar officials, which you are satisfied ought to be investigated, should of course be brought forward, in Schedules II. or III., as you may yourself deem proper. The Commission is not cognizant of any proceeding on its part that should have led you to suppose that it proposed to exclude such cases from inquiry by it.

6. I am, in conclusion, to state that the Commission can have no wish whatever to discourage parties who have real grievances and are entitled to be heard by it, from bringing the same before it through your office, but it is bound to adhere closely to the views and instructions of the Government of India on all points on which such have been communicated for its guidance; and, where this is not the case, to follow the course of procedure that the experience of its members suggests to it as the most proper and suitable under the circumstances.

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No. 1075, dated Baroda Residency, 27th November 1873.

From Resident at Baroda to President, Baroda Commission.

Referring to your letter No. 2, dated 10th instant, and the instructions therein conveyed, also to the instructions regarding revenue cases contained in the accompaniment to your letter No. 19, dated yesterday, I have the honour to represent that the exclusion of the cases of British subjects residing in or trading with Baroda territory, as also the exclusion of bribery and revenue cases from such inquiry and record of the Commission as was accorded to those of the Sirdars, will deprive me of the means of bringing forward most important evidence of mal-administration as well as of His Highness Mulharrao's personal treatment of British bankers, merchants, &c., who under the exceptional conduct of the present Gaekwar have no means of redress for considerable losses except through the medium of the Commission.

2. This exclusion will also, I fear, have a bad effect upon a number of other complainants, who have come to Baroda to represent their grievances in spite of the fact that the high officials against whom they complain are still in power.

3. I trust, therefore, that all the evidence which I may bring before the Commission will be duly recorded, as in the cases already submitted, and that the rules laid down for British subjects in His Excellency the Viceroy's letter No. 2209 P, dated 19th September, may be applied to the bankers, merchants, &c., who were at first included by me in No. I. Schedule.

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No. 2897 P, dated Fort William, 22nd December 1873.

From Under-Secretary to the Government of India, Foreign Department, to President, Baroda Commission.

With reference to the letter from the Secretary, Baroda Commission, No. 29, dated the 1st instant, I am instructed to state that His Excellency the Viceroy and Governor General in Council concurs in the views as to the duties of the Baroda Commission therein expressed.

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No. 236, dated Bombay Castle, 19th January 1874.

From Secretary to the Government of Bombay to Secretary to the Government of India, Foreign Department.

I am directed to forward to you, for submission to His Excellency the Viceroy and Governor General in Council, the enclosed copy of a letter from the Resident at Baroda, No. 1, dated the 1st instant, and the khureeta therewith forwarded to His Excellency the Viceroy's address, on the subject of the Commission of Inquiry at Baroda.

Copy of the khureeta to the address of His Excellency the Governor of Bombay is also enclosed.

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No. 1, dated Baroda, 1st January 1874.

From Resident at Baroda to Secretary to the Government of Bombay.

I have the honour herewith to forward two khureetas received yesterday evening from His Highness the Gaekwar, the one to the address of His Excellency the Viceroy and Governor General of India, and the other to the address of His Excellency the Governor of Bombay.

With regard to His Highness' remark that he has given every assistance in aiding the inquiry by the Commission, I am prepared to show, if Government deem it worth while, that in several instances such is not the case; on the contrary, circumstances have occurred which prove the very reverse.

The difference of tone of this khureeta not only contrasts strongly with His Highness' last one of 25th October last, but with the strong determination expressed by Mr. Dadabhoy Nowrojee as to the reforms he was about to initiate at once.

I was privately and confidentially informed by a highly respectable person who was present in Durbar when this khureeta was signed, that His Highness hesitated to attach his signature, saying that it required consideration. He was, however, overruled by Mr. Dadabhoy Nowrojee, the Acting Dewan.

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Dated Baroda Palace, 31st December 1873.

From His Highness MULHAR RAO MAHARAJA GAEKWAR to GOVERNOR and PRESIDENT in COUNCIL, Bombay.

I HAVE to request Your Excellency to forward the accompanying khureeta to His Excellency the Viceroy and Governor General of India. A copy of the khureeta is enclosed for Your Excellency's information.

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Dated Baroda Palace, 31st December 1873.

From His Highness MULHAR RAO MAHARAJA GAEKWAR to His Excellency the VICEROY and GOVERNOR GENERAL of INDIA.

I ABSTAINED from replying to Your Excellency's khureeta of 15th November last, in order that my motives might not be misunderstood that I was anxious to be rid of the Commission. The Commission has done its work and I have given it every assistance. It will make its Report, and I trust a copy of it will be furnished to me for my views, before Your Excellency determines upon any friendly advice Your Excellency might think it for my good to give to me.

I pass over all the distress of mind I have suffered, and other results from various causes during the past nine or ten months. My only object at present in addressing this khureeta to Your Excellency is, as a duty I owe to my State, to place respectfully my opinion on record, that the appointment of the present Commission was not warranted by the existing relations between the two States, and that the events of the past nine or ten months, and any action based upon them, should not be cited as a precedent on any future occasion. I abstain at present from giving my reasons in order that I may not be misunderstood by any supposition that I am desirous to influence the result of the Commission in any way.

For the present I content myself with expressing my sincere thanks to Yonr Excellency for Your Excellency's courteous correspondence, and calm and considerate course towards me.

I beg to express the high consideration and esteem I entertain for Your Excellency, and subscribe myself Your Excellency's sincere friend.

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No. 764 P, dated Fort William, 31st March 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY.

WITH reference to your letter No. 236, dated 19th January last, giving cover to a khureeta from His Highness the Gaekwar to the address of His Excellency the Viceroy, I have the honour to forward, for transmission to the Gaekwar, a letter from His Excellency in reply, together with a copy for record in your office.

2. I am to request that His Excellency's letter may be delivered to the Gaekwar with the least possible delay, and that a copy of the Report of the Baroda Commission may at the same time be given to His Highness.

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Khureeta, dated Fort William, 31st March 1874.

From His Excellency the VICEROY and GOVERNOR GENERAL of INDIA to His Highness MAHARAJA MULHAR RAO SENA KHAS KHAIL SHUMSHERE BAHADOOR, Gaekwar of Baroda.

I HAVE received Your Highness' friendly letter of 31st December 1873, and have instructed His Excellency the Governor of Bombay in Council to forward to Your Highness a copy of the Report submitted by the Baroda Commission,

The other part of Your Highness' letter will be more appropriately answered when the friendly advice which I hope shortly to tender to Your Highness is given.

I beg to express the high consideration I entertain for Your Highness and to subscribe myself your Highness' sincere friend.

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No. 898, dated Bombay Castle, 20th February 1874.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

REFERRING to previous correspondence connected with the appointment of a Special Commission of Inquiry on Baroda affairs, I am directed to forward herewith, for the information of His Excellency the Governor General in Council, copy of a letter, dated the 14th instant, from Colonel R. J. Meade, C.S.I., President of the Commission, reporting that the Commission has concluded its proceedings, and that he proposes to dissolve it from the 16th idem.

2. For the reasons stated in paragraph 2 of Colonel Meade's letter this Government has permitted Mr. Mackenzie to continue to hold the office of Secretary to the Commission until his work is finished.

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No. 64, dated Bombay, 14th February 1874.

From PRESIDENT of the BARODA COMMISSION to SECRETARY to the GOVERNMENT of BOMBAY.

THE Commission on Baroda affairs having concluded its proceedings to-day, I have the honour to state, for the information of His Excellency the Governor in Council, that I propose to dissolve it on Monday next, the 16th instant, when the officers composing it will be available for a return to their ordinary duties.

2. As the Secretary, Mr. Mackenzie, will have to superintend the proper completion and despatch of a large number of copies of the proceedings of the Commission to the Foreign Office at Calcutta, I beg that his continued employment for this purpose till about the 20th instant may be authorised.

3. It is but justice to this hard-working officer that I should not omit this opportunity of bringing to the notice of His Excellency in Council the hearty and willing aid he has rendered to the Commission, and the excellent manner in which he has carried on the duties of Secretary, for which we feel much indebted to him.

Both the Mamlatdars named in the margin have also performed their duty while employed with the Commission in a satisfactory manner and merit commendation.

Rao Saheb Balkrishna Babaji, of Sinar, in Nasik District.
" Harilal Mohun Lall, of Dohad, in Kaira District.

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No. 1196, Political Department.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

SIR,

I AM now directed by His Excellency the Governor in Council to transmit, for the consideration of the Government of India, the Report submitted by the Commission appointed by His Excellency the Viceroy to inquire into the administration of the Government of the Gaekwar.

2. When this Government in the first instance decided to recommend the appointment of such a Commission, they were fully sensible of the serious character of the step recommended. They could not but perceive that such an investigation, if resolved upon, must be repugnant to all the notions which the Gaekwar might be expected to entertain of his own independent rights of sovereignty, and must be jealously watched by all the Native Rulers in India, who, while reaping the benefit of our protection, are left in the enjoyment, in a greater or less degree, of sovereign functions according to circumstances.

3. These considerations were not, however, in the opinion of this Government, sufficient to warrant them in disregarding the positive representations of the Resident, supported, as they were, by the less authentic but repeated rumours of the extreme misgovernment existing at Baroda. His Excellency in Council also ventured in the course of the correspondence to express in strong terms his opinion as to the responsibility resting on the British Government in India in respect of all such matters. He urged that as the British Government, in its capacity of paramount Power, invariably exerted itself to suppress disturbances, not only in its own territories but also in those of Native Princes—sometimes at their request—and as it thereby relieved them from all fear of being deposed by their own subjects for misgovernment, it did, in point of fact, assume to itself the moral responsibility for the continued abuse of power prevailing in any State, and was, therefore, bound to protect the people of such a State, almost, if not quite, as much as its own acknowledged subjects.

4. The Government of India, however, was not apparently prepared to take so broad a view of British responsibilities, and, in framing the instructions under which the Commission was appointed to act, declared its reluctance to interfere unnecessarily with the details of the administration of the Gaekwar, who was responsible for the good government of his country, and to whom the Viceroy in Council would look to take the necessary measures to redress individual grievances or remove evils that might be brought to his notice.

5. The Commission, therefore, entered upon their duties with this main direction before them; and, in the very laborious and careful inquiry which they have now brought to a close, they have evidently endeavoured to discriminate, as far as was practicable, between the matters which it was their bounden duty to examine, and those which they ought to leave to be dealt with in a proper manner by the Gaekwar and his Ministers.

6. The inquiries of the Commission were based on three Schedules of complaints submitted to them by the Resident, viz.:

Schedule No. 1.—Complaints of British subjects.
Schedule No. 2.—Complaints of Baroda subjects of general misgovernment.
Schedule No. 3.—Miscellaneous complaints, and those similar to No. 2.

And the conclusions at which they arrived may be generally and fairly gathered from the language applied in their Report to the several acts of the Gaekwar and his Ministers which were investigated by them. They speak of reductions made, "rather apparently in a spirit of hate and vengeance than from a feeling of State necessity"—of proceedings towards wealthy individuals "highly arbitrary," and warranting the conclusion that they "have grounds for alarm and anxiety as to the "security and freedom from molestation of themselves and their property." They say his (the Gaekwar's) proceedings "have been unusually harsh and severe "towards his predecessor's relatives, and of a most sweeping and vindictive character "towards his favourite followers and dependents." Again, his proceedings "have "been highly arbitrary and in some instances very unjust, and of a character cal-

" culated to bring discredit on His Highness' administration, and to excite distrust " and alarm among a large portion of the influential and respectable classes of the " community." Again, "There is grave ground for the doubts expressed by the " Resident as to the trustworthiness of the Durbar's statements and documents in " matters in which it has an interest in suppressing the facts." Again, "The case " being thus disposed of, the Commission can only record its opinion that it " furnishes a horrible instance of the abuse of power and the suffering to which " people are liable, directly consequent on the employment by the Durbar of unfit " and untrustworthy men on such responsible posts." Again, "The employment " of such persons must involve a very large amount of misgovernment within their " respective charges, which probably never comes to the Durbar's knowledge. " Where, as in the case of Balwunt Rao Trimbak, they are protegés of any of the " members of the Durbar, they appear to be practically subject to no real control, " and to be able to do with impunity almost as they like." Again, "The Com- " mission is further of opinion that the explanation given to it by the Durbar " Agent in both these cases is altogether unsatisfactory, and in no way relieves the " Maharaja from the grave and serious personal scandal involved in the shamefully " oppressive treatment to which these poor women were subjected." And again, " The Commission can only form the opinion, that several cases of the description " stated have undoubtedly occurred, involving an abuse of power on the part of the " Maharaja and oppression by certain inferior Durbar officials and servants, which " have brought a most serious scandal on the personal character of the Chief himself " and the administration of which he is the head."

7. I have been directed to bring these passages prominently to notice, for the reason that His Excellency in Council regards them as establishing conclusively, that the Resident did his bounden duty in bringing the abuses to notice, that the appointment of the Commission was very necessary, and that the present administration of Baroda cannot reasonably be looked to to redress individual grievances or remove evils that may be brought to their notice.

8. The next question which presents itself is the means which ought to be, or which, it may be said, can be adopted for ensuring fairly good administration in the future. And the first step towards its solution will be the examination of the character of the Gaekwar and his Ministers as depicted in the Report. Of the Gaekwar himself the Commissioners say—" Still, making every allowance for the " feelings that would naturally actuate a person of His Highness Mulharrao's dis- " position under such circumstances, it is impossible to avoid the conviction, from the " vindictive nature of his proceedings towards so large a number of persons as in this " instance, and his violent and spoliatory treat- " ment of many of them, as also his measures " towards certain bankers and Inamdars, and the " general character in other important respects of " his administration during the last three years, " that he is not a Prince who can be reasonably expected to introduce, of himself, the " change of system absolutely necessary to reform existing abuses, and to place the " administration on a footing to entitle it to the confidence and support of the British " Government, and the loyal and willing obedience of all its subjects." Of the Ministers the Commissioners observe—" Nor, however well-disposed His Highness " might himself be to concur in the adoption of the measures necessary to this object, " could they, in our opinion, be attempted with any prospect of success with the " aid of his present Minister and principal officials, most of whom, so far as we can " judge, are by no means of the class of men that should fill such responsible and " important posts." And in an early part of the Report there is the following description of each of the chief persons of the Court:—" Of these persons the first two " are His Highness' brothers-in-law. The Dewan is stated to be ignorant and inex- " perienced, and to be quite unfit for the responsible duties of his office. He has also " the reputation of being very avaricious, and of having already amassed considerable " wealth by taking improper advantage of his position.

" The Senaputty is favourably spoken of, but has probably little real influence.

" Of the members of the High Court—

" Govindrao Mama is not favourably spoken of.

" Balwuntrao Dev was formerly dismissed from the post of Karbharee of Lunawara for taking bribes, and bears an indifferent character in his present office. He is

NOTE.—The reductions amongst the Sirdar and Silledar classes alone, on the ground of their being "Khunderao's dependents," are admitted by the Durbar to have aggregated, within the last three years, Rs. 1,93,500 of annual charge.

stated to have been fined and dismissed the service by the late Ruler for corrupt practices.

" Bapubhai Daiashankar bears a good reputation, and is a respectable man.

" Martandrao Anna is not well spoken of, but has little weight.

" The Revenue Commissioner is regarded as a harsh authority in matters relating to his department, and is stated to have been accused of oppression and bribery.

" The Sir Fouzdar appears to have been mixed up in several of the oppressive and irregular proceedings that have been the subject of complaint before the Commission, and is said to have been sentenced to imprisonment by the late Chief for taking bribes.

" The Deputy Revenue Commissioner was formerly dismissed the service of the British Government, in connection with charges of misconduct and taking bribes. The popular opinion of this man is stated to be most unfavourable.

" There appears to be nothing to remark regarding the Farnavis, but the Controller of the State Banks and Privy Purse is said to be regarded as an unscrupulous agent of the Maharaja's, and his name has been unfavourably mentioned in connection with some of the cases that have come before the Commission.

" The opinions regarding the above-mentioned persons recorded in these remarks have been gathered partly from the Resident and partly from independent inquiries by ourselves."

9. His Excellency in Council, therefore, desires to express his concurrence in the opinion, likewise given in the Report, that under such circumstances as the present it is hopeless to look for any effectual measures of reform and improved government at the hands of the present Ruler and his advisers, and " that these can only be " introduced through the intervention and under the auspices of the British " Government." To this end it is essential, and indeed the least that can be done with a view to placing the administration on a footing to entitle it to the confidence and support of the British Government and the loyal and willing obedience of its subjects, that the Ministers and other officers above enumerated should be removed from office, and that the Minister be selected with reference to his administrative abilities and special qualifications for the post, and not liable to removal without the special orders of the British Government.

10. His Excellency does not forget that the Gaekwar has lately submitted to Government his selection for the post of Dewan of Mr. Dadabhai Nowrojee. This gentleman stands high in the estimation of many persons both here and in England, and would no doubt make every effort in his power to introduce a better system of government. It is, therefore, to be regretted that certain circumstances altogether preclude the expectation of successful results from his endeavours.

At a late interview which he had with His Excellency the Governor he fairly admitted that he had not had the slightest practical experience in public affairs, though he had made them the subject of much study. He likewise stated that the present Dewan would remain about the person of the Gaekwar under the title of Pritinidhe, and that the four Parsee gentlemen from Bombay, to whom he proposed to entrust the four chief departments of the Government, would have associated with them the Ministers who are at this moment in charge. It would be difficult to imagine a worse arrangement. The Gaekwar and his agents would be enabled to shelter themselves behind Mr. Dadabhai's reputation, and he would be powerless for any reform of abuses.

11. This Government, therefore, hope that His Excellency the Viceroy in Council will be prepared to authorise them to recommend a fit person to the Gaekwar for nomination by him, on the understanding mentioned above. If this arrangement were sanctioned, the new Minister would be left to the exercise of his discretion as to the time and mode in which His Highness should be invited to introduce the necessary changes. The Resident would be instructed to give the new Minister all due support, and, as a rule, to transact all official business through him, and as far as possible, in the absence of special requests to the contrary from the Minister, to limit his transactions with the Gaekwar to visits of ceremony and ordinary social intercourse.

12. His Excellency in Council has thus endeavoured to explain the measures which he hopes may produce an improvement in the administration of Baroda, and which the Government of India may be induced to sanction.

His Excellency the Commander-in-Chief and the Honourable Mr. Rogers are apprehensive that more decided measures will ere long be required.

The Honourable Mr. Tucker feels himself unable to concur in parts of this letter, and has recorded a separate Minute in which he has given expression to his views. A Minute by the Honourable Mr. Rogers is likewise transmitted at his request.

13. In conclusion I am to state that His Excellency in Council proposes to forward a separate communication on the subject of the reorganisation of the Contingent.

Bombay Castle, 5th March 1874.

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MINUTE by the Honourable Mr. TUCKER.

1. The Report of the Baroda Commission, though not so exhaustive nor so searching as the instructions contained in the letter of the Government of India No. 2209 P, dated 19th September 1873, had led me to hope it would be, discloses quite sufficient to establish to my mind the existence of an intolerable state of misrule in the Gaekwar's dominions, both subsequent and antecedent to the accession of His Highness Mulharrao to the position of Ruler. The picture drawn by the Commission, though not so well defined or so faithful a representation as it might have been made if the examination of the Commission had been more minute and its vision more penetrating, still reveals a state of facts which fully justify the earnest demand of the Resident for a radical change in the administration, and amply vindicates the action taken by this Government and the Government of India for the purpose of ascertaining the precise condition of affairs in the Baroda State, and with the intention, it is to be presumed, of applying a remedy, if evils and abuses calling for interference should be shown to have existed.

2. I desire to impute no blame to the President or members of the Commission for the imperfect nature of their performance of the delicate and difficult task assigned to them, as I have been informed that they received instructions to contract the scope of the inquiry, and to bring it to a conclusion as speedily as possible. I deem it only fair, however, to the Resident to notice this point, as I believe with him that a fuller and less superficial investigation would have brought to light facts, which would have irrefragably proved that Colonel Phayre had in no way exaggerated the character of the evils which had come under his observation, and had not been premature in his vigorous denunciation of them. In fact, I am of opinion that, considering the opposition which this distinguished soldier and conscientious public servant must have known he would have had to encounter in attempting to put an end to a chronic state of mal-administration which had grown up under the inert and feeble "laissez faire" policy of his predecessors, he deserves the highest praise for the courage, energy, and unswerving determination with which he has pursued the important objects which he has kept in view; and I trust that he may receive this well-merited commendation from those who can best appreciate the difficulties of the position in which he has been placed, and the benefit of the services he will have rendered in bringing prominently before the consideration of the Viceroy in Council and the Secretary of State for India the actual circumstances of the Baroda State, and in thus drawing the attention of these high authorities indirectly to the condition of the vast populations of those portions of India which are under indigenous Rulers,—people who in consequence of a too rigid adherence to the policy of non-interference, which for so long a time has been the accepted rule of conduct among Indian Political officers, would appear to be objects deserving the especial attention of Indian Statesmen. This policy, which has found strenuous advocates among a number of writers and theorists, both European and Native, on the more difficult problems presented by Indian Government, appears now to require reconsideration, as the increased knowledge which we at present possess of the results of the inaction which has been so long maintained indicate some unsoundness in the theories which have hitherto met with so much support.

3. The Commission in their guarded and euphemistic declaration of opinion admit that a majority of the Gaekwar's principal officers and advisers are unfit for their positions, and that several of them are of damaged character. Some are

stated to have been convicted of bribery and punished by former Rulers or by the British Government, and others, including the Dewan, the principal official of the State, are described as making their offices the means of accumulating illicit gains, while those of best repute appear to have the least influence. The appointments of the chief executive officers are purchased, and the collection of the revenues is entrusted to farmers, who have to recover from the occupants of land and other inhabitants the prices paid to the Durbar or its officials for their posts, and who, to secure their expected profits and to enforce compliance with their demands, resort to those ancient practices of torture which were formerly prevalent throughout India, but have long ago happily disappeared from the territories which for any length of time have been subject to direct British rule. The Commission are further of opinion that complaints against oppressive levies by these officials ordinarily obtain no redress, but often lead to further ill-treatment of the complainants by the Chief Minister, or the so-called Revenue Commissioner.

4. It is also declared in the Report that bankers and mercantile firms not in favour with the Ruler are arbitrarily dealt with and molested, and have no substantial security for their persons or their property. That flogging is administered so cruelly and with such little precaution as to have led in one instance to the death of the person flogged, and that respectable women, married and unmarried, are seized in open day in the streets of the chief city by court servants, and converted against their will into household slaves in the palace, where, if sufficiently attractive, they are subjected to dishonourable treatment. That reductions have been made among the servants of the State, military and civil, which have been arbitrary and unjust, and carried out in a spirit of hate and vengeance; and that hereditary offices and rent-free lands have been attached and retained in sequestration for long periods without inquiry, while the favourites and confidential advisers of the late Gaekwar have been pursued in a spirit of malevolence and revenge. That a practice of extorting confession obtains to some extent, and the corporal punishment of women has been only recently forbidden. That the jails are without proper regulation, and that justice is dispensed in a fashion on which no reliance can be placed; that fictitious records are fabricated, where a particular purpose is to be served, and true ones falsified; and that, finally, the entire system of administration is bad and calls urgently for reform.

5. These conclusions have been arrived at by the Commissioners without any examination of several serious allegations brought to notice by the Resident, the most important of which was the case of Bhow Scindia, the ex-minister of His Highness Khunderao, who had been instrumental to the imprisonment of His Highness Mulharrao in his brother's lifetime, and who, there is much reason to suppose, died in prison by foul means. The investigation of this case would have been a decisive test of the point to which mal-administration had been carried, and the omission to attempt to ascertain the truth of the charges made against His Highness Mulharrao's administration in connexion with the death of the ex-minister and of those three other adherents of the late Gaekwar who had also died while in confinement in the State prison of Baroda, creates a gap in the inquiry which cannot easily be bridged over. The Bombay Government had directed a former Resident to make an inquiry into the charge with reference to Bhow Scindia's death, but at that time sufficient evidence was not forthcoming to enable the Government of Bombay to arrive at any definite conclusion. Colonel Phayre, after renewed investigation, does not appear to have doubted his ability to establish the truth of the accusation; and, unless it was considered inexpedient by higher authority to push the inquiry to this length, there would seem to have been no sufficient reason for excluding from the scrutiny of the Commission the gravest of the charges which had been brought against the Prince and the Durbar. In the interests of the citizens of Baroda and of the inhabitants of the large territory ruled over by the Gaekwar, it was of the most vital importance that it should be determined whether the entrance to a Baroda prison was a portal to the grave; and no complete estimate of the extent or character of the misrule which prevailed, nor of the judgment or discretion of the Resident in recommending the adoption of strong measures to terminate such misgovernment, can be formed while this most important and significant allegation remains unverified or unrefuted. The Commission have thought it right to pronounce only a mild condemnation of the established misdeeds of the Maharaja and of his officials; it remains, therefore, to those on whom it devolves to review the Commission's Report to direct more particular attention to the wretched

condition of the large number of persons who have suffered by such misdeeds, or who are liable to suffer if the abominations brought to light are not effectually grappled with and put an end to.

6. I may here appropriately record that the revelations of the Report have fully confirmed the opinions which I had independently formed of the corruption and thorough depravity which has marked the Government of the Baroda State for a long time past—a deplorable state of affairs which has been concealed more or less from view by the incapacity of some of our recent Residents to detect the evils around them, and by their readiness to acquiesce indolently in any representations which the Durbar might put before them. I had not been long in the Government before I became convinced in my own mind that the Reports which we received from Baroda in the time of the late Colonel Barr were not to be relied on, and that the supposed improvements in administration which he frequently called attention to, were shams and not realities. A careful observation of a continuous series of cases has convinced me that the action of the Durbar in dealing with its own subjects, or with foreigners with whom it had transactions, or with the British Government, was wholly devoid of principle or rectitude, and that under the cover of institutions which were supposed to be modelled after the example of our own methods of administration, a purely arbitrary government was carried on, which was not regulated by any regard to truth or justice, but was made instrumental to the gratification of the lust, avarice, vanity, superstition, or malevolence of the Ruler and of his favourites in power. Some of the cases to which I refer have been investigated by the Commission; others have been passed over by them without examination, as not within the limits of their inquiry; and the remainder, in consequence of their having been previously disposed of, or for other reasons, have not come under their notice at all.

7. As an illustration of this last class of cases I may mention two which have been recently before Government, which will show the character of the Gaekwar's judicial administration—I refer to the cases of Bajeerao Bapoojee and of Anundrao Sakooray, reported in the Resident's letters Nos. 195–931, and 17–70, dated the 13th October 1873 and 21st January 1874.

In the first of these cases a daring murder was committed by the administration of drugs for the purpose of robbery, and the supposed offender was apparently arrested while making off with his booty. This took place early in February 1871, and the accused was examined, and several incriminatory depositions taken, when he was thrown into prison without any conviction being recorded or any sentence passed on him. He remained in prison till the middle of May, when, being a British subject, the Resident, on the representation of a magistrate of a British district, made inquiry respecting him of the Durbar. He was then taken before the same Court which had made the preliminary inquiry on which he had been committed to jail, and arraigned for murder, and all the previously taken depositions were read over, and without opportunity for defence he was convicted and sentenced to imprisonment for life with the approval of the Gaekwar, which is entered on the record to have been previously signified. Although there was apparently no reason for postponing this man's trial, he was kept in prison without a trial, till the Resident asked about him, and then a proceeding, which cannot be recognised as a trial, was held, and conviction and sentence recorded. It may be inferred that he was detained irregularly in prison to give him an opportunity of paying to emancipate himself from the clutches of the law, and then, to meet the supposed requirements of the representative of the British Government, a fallacious record appears to have been drawn up with the view of showing that the man had been formally tried and sentenced.

8. In the second instance a woman was cruelly murdered, and two sowars, to one of whom she had been mistress, were supposed to have been concerned in the crime. They had disappeared from Baroda, and were alleged to have concealed themselves in British territory, and warrants were sent to Bombay and Poona for their arrest. At Poona a Baroda detective found the uncle of one of the supposed murderers, and this third person was then charged with the murder, and through the assistance of the then Resident (Colonel Shortt) taken to Baroda and cast into prison, where he was kept eight months without trial, on the plea that the other offenders had not been arrested, and notwithstanding his assertion that he had left Baroda some months before the commission of the offence, and was at Poona at the time the

murder was committed. It seems clear that this man's name was not mentioned in the original depositions, or a warrant would have been issued for his apprehension as well as for the arrest of the others. A deposition appears to have been fabricated to connect him with the charge originally preferred against the other two, and it would seem probable that he was only detained in custody with the view of obtaining information through him of the whereabouts of the real murderers, who have hitherto managed to escape apprehension.

9. My object in referring to these two cases, which, apparently, are not exceptional, has been to show that, even on occasions where it was proper that the criminal law should be put in force, proceedings have been so conducted as to lead to the conclusion that opportunities to escape punishment are given to real offenders who can afford to pay, and that an innocent person may be detained without trial for a long term as a means of reaching suspected criminals.

10. In 1871 I visited Baroda with the view of removing the widow of His Highness Khunderao Gaekwar into a place where she could be protected from any attempt on her life, which she professed to fear, and at the same time be prevented from attempting to introduce a supposititious son in case of her giving birth to a daughter, as afterwards happened; and from what came to my knowledge on that occasion, and from information I have from time to time received from persons with whom I had acquaintance who had connections at Baroda, or who have been employed in the service of the Baroda State, I have come to the deliberate conviction that not only is the real state of affairs at Baroda much worse than has now been represented by the Commission, but that any refusal to recognise and terminate the misgovernment of that State, which has endured far too long, will bring great discredit on the British Government in India.

11. If this be conceded, two questions then arise—

1*st*. Are the remedial measures proposed by the Commission likely to be sufficient? And

2*ndly*. If not, what more effectual reform can be proposed which will be consistent with our relations to this Native State?

12. The first question must, I think, be answered in the negative. The dismissal of the entire body of Durbar officials, and the introduction, into some of the more important posts, of selected persons trained in British districts, and the nomination of a new Minister who should be approved by the British Government and be irremovable except under their orders, are all of them good preliminary measures, but it seems to me will prove inefficacious unless some limitation is placed on the arbitrary power of the Maharaja. If the Chief's power continue unrestricted, and authority to intervene between the Prince and the Minister be delegated to the Resident, there will be a perpetual struggle and clashing of authority; and with a Ruler such as His Highness Mulharrao has shown himself to be, I think it is certain either that he will succeed in getting his way, and misrule will more or less continue as at present, or there will be a constant conflict between the Prince and the Resident, the consequences of which will be most pernicious to his unfortunate subjects. Such an arrangement will necessitate a frequent interference with details, a proceeding which the Government of India have declared to be undesirable. Measures such as the Commission propose might have answered at an earlier stage of the disorder, but the disease has extended too far to leave any chance of cure without a resort to more heroic treatment.

13. In answer to the second question I would state as my opinion that the annexation of a Native State, in consequence of the misgovernment of its Ruler, or even the temporary assumption of management by British officials for a limited term, would not be justifiable on the part of the Paramount Power, while any other remedy was practicable, which, while preserving the integrity of the State, would give it a fair chance of reforming itself, and putting a termination to the evils and abuses which have necessitated external interference. And the natural and just remedy for the existing state of things appears to me to be to force the Maharaja to give to his subjects a written constitution to which, after it has been once settled, he will be bound to conform, under pain of being set aside in favour of the next heir in case of any violation on his part of the compact so made. It appears to me that it would not be difficult to draw up a charter, defining broadly the rights of the subjects, and the obligations of the Prince, and declaring the fundamental principles on which the Government should be carried on, and at the same time fixing the machinery by

which laws are to be made and enforced and the other more important parts of the administration conducted.

14. I fear that this may be considered a strange and inadmissible proposition simply on the ground of its novelty, as I do not remember to have seen in the course of my reading on Indian topics such a suggestion made before; but on my broaching the subject to an eminent Native administrator, who has successively held office in two large Native States in different parts of India, and gained a high reputation for ability and judgment in the management of public affairs, he informed me that he had long ago come to the conclusion that the remedy I have suggested was the proper mode of dealing with Native States when they had fallen into a condition which rendered the intervention of the Paramount Power requisite.

15. At my request this gentleman, who does not wish his name to be made public at present, has favoured me with a short memorandum giving an able exposition of his views on the matter, and has also drawn out a scheme of a constitution which he considers might with advantage be adopted in a large State. He had but little time to mature his project, and frankly admits that it is susceptible of improvement; and although it is clear that some parts of his schemes will require modification, yet on the whole I consider his paper so able and creditable that I prefer to submit it* in the exact shape it reached me, and to leave the details to be settled hereafter, should it appear to the Government of India or to the Secretary of State that the course which he has pointed out, and which I have ventured to recommend for adoption, is worthy of consideration. I may mention that, after I had found that the idea of the introduction of constitutional government into a Native State was approved by a Native official of wide experience in the management of such States, I discussed the question as one of general application with Native gentlemen of my acquaintance, and I have come to the conclusion that a measure of this description would be popular among the educated classes, and, I am inclined to think, would be generally approved of, except by the Chiefs personally concerned and the official favourites and hangers on, who now in ill-governed States accumulate wealth and thrive at the expense of the unfortunate inhabitants of those territories.

* *Vide* Appendix A. to this Minute.

16. For my own part, I consider that a gradual change from arbitrary to constitutional government is absolutely necessary for the preservation of the integrity of these States and for the prevention of their ultimate annihilation and the absorption of their territories within the British dominions. It is generally recognised among the nations most advanced in civilization that unrestricted arbitrary government can never be good government, even when directed by an able and humane despot, sensible of his obligations to the people over whom he has acquired rule; and it is high time that it should be understod that this form of government must gradually cease in India. It seems to be unreasonable to hope for any improvement in a Native State where everything is made to depend on the will of the ruler; and the natural check upon such a system, viz., the rising of the people against tyranny and oppression, is rendered inoperative by the overwhelming force of the British nation, which serves to protect a wicked or incompetent Ruler from any serious revolt on the part of his subjects. It is impossible for the Native States to stand still among the changes of thought and growth of civilization which is slowly but surely developing around them; and if nothing be done to provide the means of improvement within themselves, they must steadily deteriorate, as in this Presidency they have generally done when not under temporary British management, and this process of degeneration will go on till their extinction is called for by the general voice of the country.

17. I am of course aware that any change in this direction would be likely to be more beneficial and enduring if it proceeded from the voluntary action of the Native Princes to whom my remarks apply; and it appears to me that movements of this kind will be encouraged and facilitated if the Supreme Government, on an occasion like the present one, openly avows its desire for permanent internal reform, and shows by its action that, when a proper opportunity offers, it will enforce, in the interests of the people of the State, such salutary alterations in the previously established order of things as may be necessary to secure the main objects of good government. If it be clearly demonstrated that we have no desire, in consequence of the disorders of Native States, to increase the possessions of the British Crown, or to advance any selfish interest, I think that our acts will not be open to mis-

construction, and that the enforcement of an effectual and enduring reform in the Baroda State will meet with the approval of the thinking portion of the public, whether European or Native, and will in due course of time be hailed as a great blessing by the people in whose favour this important change will have been made.

18. I readily admit that it is not to be supposed that the present Gaekwar will consent to such an alteration of his position without great pressure, and perhaps a demonstration of physical force, and that probably such an innovation as I have proposed may temporarily excite discontent and alarm among other Native Chiefs of his class, such as the Maharajahs Sindiah and Holkar. I think, however, that we have ample power to carry out a policy such as I have indicated, and that probably a more favourable opportunity will never be found for initiating action of this description, which, though it may involve some difficulties and be attended with some risk, must nevertheless some day be taken, and will possibly become more difficult and dangerous if postponed.

19. The day has gone by when it can be said to be advantageous to British domination in Hindustan to allow misrule in Native States to exist as a contrast to the more orderly and more liberal administration of British India, and I would suggest that at the present time the misgovernment of such a State as Baroda, if unrepressed, will be a real and increasing element of danger, regarding which precautions will have to be taken, as the discontent created and fomented by such a system may increase to large proportions, and the sufferers by such a state of affairs will find many sympathizers in our own subjects, who will consider the British Government responsible for the abuses which it has neglected effectually to stop.

20. I am aware that it will be objected by some that a stringent measure of the character which I have advocated will be opposed to our engagements with the Gaekwar's predecessors when we were weaker and the Baroda Chiefs comparatively stronger and more capable of armed resistance, and that the gradual limitation of the monarchical rights claimed by Native Princes which I contemplate, will be but a poor return for the assistance which some of the principal Chiefs rendered in the great mutiny of 1857, some by active assistance, and others by remaining neutral, till order was restored. The first of these arguments will apply to any intervention on the part of the British Government which goes beyond the giving of advice, and I think it will hardly be contended by any sane person that a degree of misgovernment in a Native State may be attained, which will not only justify but render imperative the active interference of the Paramount Power for its suppression. If this be admitted, the only question to be determined now is, whether the point which justifies active intervention has been reached in the present instance.

21. If this question be decided in the affirmative, it would seem that external pressure may be applied to secure a complete measure of reform with more reason than to support an attempt to obtain the same result by means which are apparently inadequate, and it is on this ground that I would urge that the more complete remedy which I propose should be preferred to the insufficient palliative which has found favour with the Commission.

22. With reference to the second objection which I have noticed, it seems to me that no gratitude for the services of deceased Chiefs will relieve us from the superior obligation which we owe to the subjects of the Gaekwar, whom we practically restrain, to repress oppression and tyranny: and where two duties come in conflict, it is necessary that precedence should be given to the one which is of the highest kind. In my humble judgment, in the past dealings of the British Government with Native Protected States there has been far too little consideration shown to the inhabitants of those States in comparison with the tenderness which has been exhibited to weak and vicious Rulers. It may further be remarked that if the integrity of the State be preserved, a redistribution of power within can hardly be considered an act of ingratitude to former occupants of the Gadi.

23. It may be as well here to refer to another argument which has been advanced in favour of inaction, viz., that the condition of the Gaekwar's dominions is not much worse than the condition of other large Native States in other parts of India. This may be true or not, as I have not sufficient means of knowing; but if true, which I trust it is not, the circumstance shows that the evil which we have to contend with is widespread, and that energetic measures are necessary to prevent its further progress.

24. The excuses which the Commission offer for acts on the part of the Ruler, and practices on the part of the officials of the Baroda State, which are wholly indefensible according to ordinary notions of right and wrong, indicate pretty plainly the tendency which a long familiarity with evil usages produces on the minds of persons, otherwise conscientious and high-principled, to become indifferent to the real character of acts which they have been accustomed to consider normal and inevitable. This accounts for the apathy which many of the old school of Political Officers in this Presidency, and perhaps elsewhere, have looked upon enormities like those now under discussion. It is to be trusted that no such disposition to tolerate unmistakeable wrong-doing will be found among those with whom the decision of this most important subject rests.

25. I have thus placed on record in a very hurried, though unreserved, manner the views which I entertain with reference to the present crisis at Baroda, and to the steps which should be taken on the Report of the Commission. I feel that I have expressed the deep convictions which I entertain in a most imperfect and inadequate manner when the grave importance of the questions involved is taken into account. I wish that a longer time could have been spared to me to adduce further facts and arguments in support of the opinions which I have formed after much careful consideration. I can only hope that what I have written may be conducive to the right determination of a matter which affects the future happiness of so many human beings, and I trust that a decision will be ultimately arrived at which will relieve the British Government from the obloquy which must attach to any administration which knowingly permits the continuance of evils like those which have now been exposed, when it has the power to suppress them.

26. I may observe that, if a constitution be given to the Baroda State, I personally see no objection to the trial of Mr. Dadabhai Nowrojee as Prime Minister, if His Highness the Gaekwar in the altered position of affairs should wish to retain him. Mr. Dadabhai Nowrojee is without administrative experience, but he is a man of some culture and intelligence, and with a constitutional form of government I see no reason why he should not be tried. I disapprove altogether of the existing arrangement by which there are virtually two Ministers, and neither has, I imagine, any real power; but under a proper organisation I should be disposed to give Mr. Dadabhai Nowrojee a chance of carrying his theories into practice. I was present at Mr. Dadabhai Nowrojee's examination before the Indian Finance Committee of the late House of Commons last year, and was not then impressed with the accuracy of his knowledge of the subjects upon which he was examined, or of his readiness in applying what he did know; and although I do not attribute to him any extraordinary ability, I am not able to suggest anyone at the moment who would seem likely to have a better chance of success in such a difficult position.

27. I agree that the question of the future organisation of the Gaekwar's Contingent shall be reserved for after-consideration.

28. I would remark that, after a constitution for a Native State has been once settled, there should be no further interference by the Resident with the details of the administration; and with reference to this point I consider that in the end the adoption of a constitution such as has been suggested would prove more palatable to a Native Chief than the arrangement recommended by the Commission.

H. P. St. G. Tucker.

3rd March 1874.

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## APPENDIX A.

### Memorandum.

When a Native State, at any particular time, suffers so much from gross mal-administration as to demand the interference of the British Government, such State ought not to be *annexed.* The remedy of annexation would be much like cutting the throat as a remedy for cough. Annexation would be equally unjust and impolitic.

Nor ought the State to be placed under *the management of European officers, like a British province.* Such a course would not only be unpopular in a high degree, but would render future withdrawal from it very difficult, if not impossible. The course would only lead to *annexation in effect,* though not in name.

What action then should the British Government take, consistently with practice, humanity and good policy, and so as to place *its motives beyond possible misconstruction?*

If I may venture to submit a reply to this momentous question, I would say that the British Government should prescribe a body of fundamental principles for the guidance of the Native State—in short, a constitution or plan of Government, which the Prince should be bound to conform to on pain of his being set aside in favour of his next heir. And, prescribing such a body of fundamental principles, the British Government should charge its Political Agent with the duty of seeing that those principles are steadily carried out as far as possible.

In the following pages I have essayed to indicate those principles, adding under each a few remarks which may not, perhaps, be altogether superfluous.

I am far from flattering myself that all the requisite principles are exhaustively stated, or that each principle is enumerated with fullness and precision.. On the contrary, I am conscious of many shortcomings. Though deriving assistance from notes I made some years since, I have been writing this under extreme pressure for time—indeed, I have been encroaching on the usual hours of rest during night, being anxious to place my humble views with as little delay as possible before those who have kindly shown a disposition to invite and consider them. While this circumstance will entitle me to some indulgence, I do not for a moment pretend to imply that I should have been, with more leisure at my disposal, able to submit quite a perfect plan. All I profess to do is to put forth a sketch—a mere outline, just suggestive of something far better of the same description. If the idea find general approval I should consider the trouble I take amply rewarded. It will then be for British Statesmen and British lawyers to do a work which is beyond my own powers to accomplish, but which I am only able, as said already, just to indicate.

It will be observed that not a few of the fundamental principles are drawn from the British or American constitutions. They are principles of universal applicability, being principles founded in reason and practical experience.

The main objects aimed at in framing the following draft are—

1st. To substitute for arbitrary will, the laws gradually framed after due deliberation, and apart from the sinister interests operating or liable to operate in individual cases.

2nd. To establish some machinery for making laws.

3rd. To ensure the *observance* of laws.

4th. To define Prerogative.

5th. To protect the Public Revenues.

6th. To preserve the rights and liberties of the people by laying down certain general principles which are to serve as the foundation of future progress.

7th. To establish a proper administration of justice, the very foundation of public happiness and prosperity.

8th, and lastly, to ensure stability to the whole Political fabric.

It will be found that the interests of the Sovereign are duly secured, and that his power to do good is left untouched.

It will also be found that the influence of the British Resident is allowed due scope without giving it undue preponderance.

All legitimate interests will thus act together, so as to ensure results most conducive to their advancement *as a whole*, without giving undue ascendency to any particular set of interests.

With some such plan or scheme of Government, things will probably go on smoothly and harmoniously. There will be a common standard to refer to, instead of having, in every particular case as it arises, to fight for the general principle at the risk, and indeed the certainty, of reiterated unpleasantness. Declare and establish the fundamental principles *once for all*, and many practical difficulties will disappear.

I contend that mere general advice tendered by Viceroys and Governors, however eloquent or earnest, will have but little practical effect in Native States. The Durbar over, the Princes return to their respective States little wiser than before. They may understand that the Viceroy wants them to *govern well*. But *what is good Government?* This, for practical good, must be defined, and about this there ought to be a clear understanding on both sides. In point of fact, there *is no common* understanding at present. Many a Prince thinks he is governing well, and this, of course, according to his own very limited lights, while he may not in reality be governing well at all.

Even in Europe, where the progress of events has favoured the growth of freedom, no State is considered safe without a regular constitution laying down the essential and fundamental principles which are to be followed in the Government of the country. And can it be at all reasonably expected that Asiatic Despotisms will fulfil the sacred duties of Government to their subjects, without the salutary restraint of an established constitution? Only one answer is possible.

Some of the principles stated in the following draft might seem commonplaces to the eye of an Englishman accustomed for centuries to regular and constitutional Government. But the Constitutional History of England itself shows what length of time, what reiterated struggles, what amount of precious blood were required to establish these principles, and of what immense practical value they have proved themselves to be in the character of safeguards to the rights and liberties of the subject. I feel sanguine that almost every line of the proposed draft will check a mighty host of abuses.

As stated at the outset, it can be made *the highest interest* of the Prince to adhere to and carry out the principles laid down for his guidance.

A body of such principles will be of great use to the British Resident himself, as he can, from time to time, refer to them as the standard prescribed by authority.

Those principles will, I am sure, bear good fruit even in Native States to whom they are not directly prescribed. Other Princes will easily perceive that to the extent they *spontaneously* conform to those principles, they will render unpleasant interference from the Paramount Power

unnecessary. This will be an immense gain. The good that will thus be done will reach millions of people in a quiet yet most effective manner.

An earnest and warm well-wisher as I am of the Native States, my strong belief is that their future existence and prosperity will depend upon their conforming themselves to the principles embodied in the following draft. I am convinced that if unqualified personal and arbitrary rule continue in Native States, they must inevitably collapse one after another, the event being only a question of time. This is a consummation which the British Government is too high-minded to desire, and hence the British Government may well be expected to avail itself of proper and favourable opportunities to bring about the establishment of some settled plan of Government in Native States *in the best interest of these States themselves.* I think that the desire of the British Government to see the Native States perpetuated cannot be better proved and better manifested than in the way I have ventured to suggest.

As I am *extremely* pressed for time, I must bring these preliminary remarks to a close by making one more observation. I do not mean to say that it would be possible for the generality of Native States to effect *at one stroke* complete conformity of administration with the principles of the following draft. What I advocate is the laying down of a standard. With such a standard in view the Native States will approach it as fast as they can according to the circumstances of each. Political Agents of capacity, temper, judgment, and tact will be able to assist such approaches in a quiet and yet effective manner.

## Charter or Constitution.

1. *The Maharaja as Sovereign is the highest authority in his dominions.*

This requires no explanation.

2. *The happiness of the people, as the foundation of the strength, durability, and happiness of the ruling Dynasty, shall be the paramount object of the Government of the country.*

This may seem trite. Nevertheless, the full recognition of this important principle is of the highest use in Native States, where sovereigns are sometimes apt to forget if not controvert it. Hence, it is thus prominently laid down, and in a manner to imply that the best interests of the Dynasty depend upon its faithful observance.

3. *The Government of the country shall be carried on according to laws and customs, whether at present in force or established hereafter.*

The object of this is obviously to do away with arbitrary Government altogether, and to induce the Government to conform its action to laws deliberately enacted and to customs established, in reference to public good alone.

4. *A Durbar for making laws shall be organised, composed of men of wisdom, virtue, property, and patriotism, and such Durbar shall assist in the framing of useful laws from time to time and under rules to be hereafter laid down.*

As the Government is to be carried on according to law, something like a properly constituted machinery for making laws becomes at once a necessity. I reserve the details as to the construction of this Durbar, only remarking at present that, without much difficulty, a body may be constituted which, though far from perfect, may be practically competent to frame useful laws.

The Prime Minister will, of course, have to preside in this Durbar.

The Durbar will be only a *consultative* body, and nothing framed by it can pass into law unless assented to by the Sovereign on the recommendation of the Dewan or Prime Minister after consultation with the British Resident. Thus no bad law can issue unless the Sovereign, the Dewan, the British Resident, and the Durbar all fail in their duty, a combination not likely to happen.

5. *The laws in force at any time shall not be altered, modified, suspended, abolished, or in any way interfered with, except by other regularly enacted laws duly promulgated.*

The object aimed at is the most important one of putting it out of the power of the Sovereign or the executive Government to interfere *summarily* or *arbitrarily* with the laws, by means of special orders, proclamations, &c., merely to suit a temporary or sinister purpose at the dictation of caprice, passion, or interest.

This provision is absolutely necessary to ensure Government according to law.

The student of the Political History of even England knows how important this provision is. I have framed this provision in reference to the following clause in the Bill of Rights or Declaration, delivered by the English Lords and Commons to the Prince and Princess of Orange, 13th February 1688, namely, "that the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament is illegal."

If such provision is required in England itself it is *à fortiori* required in Oriental States, where there is a perpetual impatience of restraint and constant tendency to arbitrary rule.

The effect of this provision will be that no laws will suffer alteration, &c., unless by means of laws. In short, a character of fixity will be imparted to all existing laws, and a guarantee established that they shall not be altered, or in any manner interfered with, except for a really good and approved purpose.

6. *No law shall be passed except after the draft of it, together with a brief and clear statement of its objects and reasons, shall have been published in the Official Gazette for at least months.*

This is, of course, intended to prevent hasty or rash legislation, and to afford opportunity for the expression of public opinion.

This provision might be thought more properly to appertain to the rules and regulations which will have to be framed for the working of the Durbar for making laws. Still it forms so important a guarantee in behalf of public interest, that too much attention cannot be drawn to it by thus inserting it prominently.

7. *When, however, public inquiry would not admit of this course, a law may be passed at once by the Sovereign under the advice of his Dewan, who will have duly consulted the British Resident. But such law shall not be valid for more than months from the date of its promulgation, unless re-enacted in due course.*

Occasions, though rare, may be easily conceived, in which such a power as that given by this provision will be needed. The law thus passed is either good or bad. If good, it will be certainly re-enacted; if bad, it will of itself cease to be law after a short period, if not rescinded earlier. The period allowed may suffice for considering necessary amendments.

8. *No proposed law shall be submitted to the Sovereign by the Dewan for final approval, unless after due consultation with the British Resident.*

The object of this is to secure the advantage of the wisdom and experience of the British Resident in the important work of legislation. It will be a great advantage. The Resident represents the friendly interest of the British Government, and may well give his advice in such matters. His objections to unsound legislation will generally carry weight with the responsible Prime Minister of the Prince. The effect, whether positive or negative, will prove very beneficial. I mean, it will lead to good or prevent evil.

9. *The Sovereign shall act through his responsible Minister the Dewan, selected by himself with the approval, and not removable without the concurrence, of the British Government. And it shall be understood that in public affairs this is the only legal and valid mode in which the Sovereign gives expression to his will.*

This embodies a most valued principle of the British Constitution. It is intended to prevent the direct action of the Crown without anyone being responsible for such action. It will prevent the vast amount of confusion and consequent irresponsibility usually arising in Native States from anyone issuing orders in the name of the Sovereign. It will fix responsibility on the Dewan, and will cut off the scope for many abuses which occur in Native States.

The Dewan's office is the most important in Native States. On him much of the character of the administration depends. He ought, therefore, to be a properly qualified man in every respect. The approval of the British Government will secure this. This provision will prevent unworthy men getting hold of the helm. It will cut off many dangerous intrigues for power. If the Sovereign makes a really good nomination, the British Government will, of course, approve of it. The provision will, therefore, be a standing inducement on the part of the Sovereign to make a right choice of his Dewan.

Similarly, the Dewan ought not to be removable without the concurrence of the British Government. His very position exposes him to the storms of faction. In the conscientious discharge of duty, he will, not unfrequently, have to incur considerable, though perhaps temporary, odium. Unless his tenure of office is secured by rendering it necessary to obtain the concurrence of the British Government for his removal, there will be constant changes of Dewans; there will be perpetual Court intrigues; there will be no steady attention to business; there will be every inducement for a servile subserviency on the part of the highest officer of the State. In such an important matter as a change of the first Minister, the Sovereign will always do well to consult the British Government, which can judge calmly and apart from local prejudices and passions.

The latter part of the provision under explanation implies that orders issued by the Sovereign, otherwise than through his responsible Minister, are illegal and invalid.

10. *The Dewan shall be personally responsible if he refuse to take part in any act which he considers unadvisable or improper, without referring to the British Government for advice and instruction.*

Without such a provision the Dewan cannot be held responsible in the manner contemplated, for he might plead that he was compelled to carry out the order of the Sovereign, though unadvisable or improper.*

11. *The Dewan shall have free access to the British Resident, and may take his advice on all measures of importance.*

As so much responsibility will be devolved on the Dewan he will gladly avail himself of such a provision. The wisest Maharajah and the wisest Dewan might look for benefit from the advice of the British Resident. The more they are sincerely anxious for a good administration the more readily will they seek to consult with the Resident.

12. *If any unlawful act is done, the agent instrumental in the doing of such act shall himself be fully responsible to the laws, and cannot plead as an excuse obedience to the orders of the Sovereign.*

This is also a valuable principle of the British Constitution. It is absolutely necessary in the interests of the people, and also in the interests of the Sovereign personally. It is intended to deter any agent of the Sovereign from undertaking to carry out any unlawful order. It is also intended to give complete effect to the provision that the Sovereign shall act through his responsible Minister, the Dewan.

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* In this provision I have adopted the words of a rule laid down by an eminent Political Officer of the British Government.

13. *The Sovereign will not administer justice personally, as he has delegated this power to the constituted judiciary.*

This, too, embodies an important principle of the British Constitution.

It would be obviously impossible for ordinary Sovereigns personally to administer justice. In Native States there is a perpetual desire, induced in the Sovereign by interested persons, to undertake personally a work which requires special qualifications, which a Sovereign is not expected to possess. The more a Sovereign yields to this desire, the more likely it is that justice would be perverted or sold. Even Frederick the Great of Prussia failed in such a work, and Frederick the Great is not a common character among the Native Princes.

14. *The Sovereign shall not constitute any Special Court to administer special justice in any particular case, but may direct any already existing court to be strengthened by temporarily transferring to it any Judge or Judges of other Constituted Courts.*

This is designed to prevent a Court being arbitrarily and specially constituted to secure a given result in any particular case. As such, the provision forms an important safeguard. It has its analogy in the English Bill of Rights.

15. *The Sovereign shall in no case reverse the acquittal or enhance the sentence pronounced by a competent Court of Justice.*

This is also absolutely necessary to protect the subject against the effects of anger, or malice, or vindictiveness, or at least ignorance, on the part of courtiers about the Sovereign.

The provision is also, I believe, conformable to the British Constitution.

16. *The Sovereign may, under the advice of his responsible Minister, mitigate any sentence, if proper grounds exist, by reducing it, or commuting it for any other.*

*And the Sovereign may, under similar advice, grant free pardons after trial, conviction, and sentence, in cases wherein error is patent or serious doubt has arisen about the correctness of the conviction.*

These provisions again are derived from the British Constitution. The Sovereign ought to be able to exercise clemency, a highly popular virtue, within proper bounds. Even should he ever err in the exercise of these prerogatives, no great mischief is likely to occur. The Dewan will, of course, be responsible to prevent error as far as possible.

These provisions are designedly so worded as to cut off the power which is sometimes exercised by the Sovereign, of pardoning criminal convicts on joyful occasions, such as the coronation, the birth of an heir, recovery from serious illness, and so on. Such pardons cannot but produce a baneful effect on the community. It is impossible to see why an occasion of personal joy on the part of the Sovereign should bring about a suspension of just penal laws in particular instances.

According to these provisions the Sovereign cannot grant a pardon *in anticipation* of a trial and conviction so as to enable any accused person to plead the pardon as a bar to trial, &c.

This provision, however, is not intended to interfere with the powder of granting pardons to *approvers* for securing evidence. A special law will, of course, regulate the granting of such pardons.

17. *Every grant of pardon or mitigation of sentence, carried out under the foregoing provisions, shall be immediately notified in the Official Gazette, together with a brief and clear statement of the reasons which dictated it.*

The object here is to enable public opinion to operate as a check against the abuse of the power of remitting or mitigating a judicial sentence.

18. *No sentence of death shall be carried out unless after confirmation by the Sovereign under the advice of the responsible Dewan, who will consult the British Resident whenever he (the Dewan) finds difficulty in arriving at a definite conclusion himself.*

Life is so sacred, and a deprivation of it constitutes such an irrevocable and irremediable punishment, that too much caution cannot be brought to bear in this direction. As the provision is framed, no one will forfeit his life unless the highest judicial tribunal, the Dewan and the Sovereign, and in many cases the British Resident, all err together, which is an improbable contingency.

As the Dewan is fully responsible, he will readily and often avail himself of the latter part of the provision. In very clear cases he may not do so, but act on his own responsibility.

19. *The Sovereign shall have a Civil List, fixed* under the advice of the British Government, for the support and maintenance of his personal dignity and of his household; and all payments made on this account out of the public Treasury shall be faithfully shown in the Administration Report of the State, which shall be framed and published by the Dewan every year.*

This is intended to put an end to the unbounded license enjoyed in most Native States in the use of public funds. A fixed Civil List is manifestly one of the most essential requisites and characteristics of a well-ordered Government. The provision will bring about a useful separation between the private expenses of the Sovereign, and the public expenditure of the country. It will induce economy on the part of the Sovereign; it will

* It is not meant that it should be fixed and unalterable for all time. It may be fixed from time to time, so as to enable the Prince to duly share in the prosperity of his country as he is entitled to do.

facilitate the appropriation of the surplus revenue of the country for purposes of public utility. Where every rupee of the public revenue is looked upon as the private property of the Sovereign, extravagance must very often prevail, and useful outlays on public works must generally be grudged.

The latter part of the provision is necessary in view to give effect to the former. Expenses appertaining to the Civil List have a strong tendency to lurk under other heads, and this ought, by all means, to be prevented.

The opportunity has been taken to make the publication of the Annual Administration Report obligatory, as it will bring the whole administration under wholesome public criticism. An administration which has to be exposed to public view can seldom go far wrong.

20. *The public revenues shall not be answerable for private debts incurred by the Sovereign or any member of the Royal Family.*

Without such a provision as this, the fixity of the Civil List would be utterly a sham. This is too evident to require explanation.

21. *No suit shall lie in any court against the Sovereign or any member of the Royal Family on account of private debts incurred by them.*

This is necessary to exempt the Sovereign and the members* of his family from the indignity of being put into Court for their private debts; and the effect will obviously be to deter money-lenders from lending money to such persons. There is nothing, however, to prevent them from discharging their debts as matters of honour and moral obligation. Indeed, it is to be hoped that no Royal Family will be so depraved as to repudiate a just debt, in consequence of the legal irresponsibility conferred by this provision. Money-lenders, however, will be quite aware of this legal irresponsibility and take the risk with their eyes fully open.

The provision under remark has, I believe, its analogy in several European Constitutions.

22. *The Sovereign shall not make any permanent alienation of the land or other public revenues to any extent in favour of any private individual or any corporation unless under the sanction of a specific law regularly enacted and promulgated in due course.*

This provision appears very necessary for the very preservation of the revenues. It will restrain undue liberality and ill-judged favouritism, so much prevalent in Native Courts. It will protect the Sovereign against constant importunities and intrigues, and thus make his position easy and comfortable.

Where, however, a grant is justified by the circumstances of any case, a law may without difficulty be passed, specially authorising the Dewan to make a permanent alienation in a given case. Those who must be parties to the passing of the law may be expected to exercise due care and caution in regard to the public revenue while yielding to just claims.

The most important effect of this provision will be that grants by the Sovereign, such as are hereby interdicted, would, if ever made, be illegal and invalid, and, as such, revocable by that Sovereign himself at a subsequent period, or by his successors; thus permanent evil will be prevented.

23. *No public demand shall be remitted or suspended in part or whole, except on principles of public utility and general applicability.*

The design of this is to prevent venality, favouritism, and inequality. The principle is very often violated in Native States in reference to personal or private influence.

24. *The public revenues, or any surplus arising therefrom, shall not be applied to any but public purposes and the good of the country.*

This provision is not rendered unnecessary by the fixation of the Civil List. The object is to prevent undue grants of the public revenue to purposes other than the good of the country. It is desirable, for instance, to deter grants, excessive grants, to foreign institutions, merely in compliance with a morbid desire for the reputation of liberality. The people who pay the taxes have an undoubted right to demand that their taxes be not appropriated for purposes which do not benefit them.

It is not intended to prohibit reasonable contributions to foreign institutions. In determining the Civil List, a fair margin should be allowed for such contributions, and then such contributions will be made personally by the Sovereign out of his Civil List. Such an arrangement will effectually check prodigality, detrimental to the interests of the State.

25. *A reserve, equal to half a year's revenue, shall be ordinarily maintained in the public treasury, so as to be readily available in periods of unexpected financial difficulties, such as those which are consequent on the failure of rains, &c. If the reserve be so availed of, the amount shall be replaced as soon as possible.*

Native States cannot afford to incur public debts; they must never become insolvent; hence this precaution, which will ensure safety and ease. The reserve may be held invested in British Government securities, so as to obtain some interest for the State. The securities can, of course, be sold whenever cash is required.

26. *The rights and liberties which are now enjoyed by the people under existing laws and customs shall continue unabridged to the utmost extent possible.*

This provision is necessarily vague; it is intended to preserve unreduced whatever rights and liberties have heretofore been conceded. It will prevent backsliding.

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* What members, will have to be defined with some care.

27. *Nothing shall be done affecting, or likely to affect, the rights and liberties of the people except by means of regularly enacted laws duly promulgated.*

The object in view here is to prevent the executive taking upon itself to issue proclamations, notifications, or circular orders, calculated to interfere with the rights and liberties of the people. This provision, though difficult of being fully carried out, will act as a check.

A previous provision says that the laws in force at any time shall not be altered, &c., except by other regularly enacted laws. But it is to be remembered that the laws in force at any time may not have occupied *all* the ground which laws might occupy. There may thus be spare or unoccupied ground. What is here aimed at is to prevent the executive summarily occupying this spare ground, and to compel regular legislation where the occupation of this ground, or any part of it, may be desired.

But it is not intended by this provision to prevent the executive issuing notifications, &c. *in conformity* with existing laws and customs."

28. *The taxation of the country shall not be altered or interfered with, except by regularly enacted laws duly promulgated.*

This is, strictly speaking, included in some of the previous provisions. Still, this matter is so extremely important that, rather than leave it to be *inferred*, express and prominent mention of it ought to be made in some shape like this.

The effect of this provision will be that no new taxes can be imposed, or old ones increased, or even reduced, without a new law, fully discussed in the Durbar. Great and effectual security will thus be, in a great measure, established against mal-administration in a matter deeply affecting the property and welfare of the people.

29. *No loans shall be incurred by or for the State, except by regularly enacted law.*

This provision is intended to fortify and give complete effect to the immediately preceding one. A little reflection will make this obvious.

30. *No man's property or services shall be taken or demanded for public exigencies without fair and adequate compensation.*

This is a provision peculiarly fruitful of good in Native States.

I remember seeing a provision very like this, if not perhaps in these very words, in either the Constitution of the United States of America, or that of some of the States comprised in the Union.

31. *All subjects shall have a right to hold public meetings peaceably, to discuss public matters freely, and to petition the Government for redress of grievances; and the writers and subscribers of such petition shall not be punishable for anything true, or in good faith believed to be true, that they may express in the petition.*

This provision is the same in substance as that included in the English Declaration of Rights. In this celebrated document it is stated "that it is the right of the subjects to "petition the king, and all commitments and prosecution for such petitioning are illegal." The same is found embodied in the constitution of the United States of America, wherein it is provided that "Congress shall make no law * * * abridging the freedom of speech, "or of the press, or the right of the people peaceably to assemble and to petition the "Government for a redress of grievances." But it is needless to cite authority in support of a right which no civilized Government can think of refusing to a people whose welfare it really has at heart.

32. *No person shall be taken, or imprisoned, or deprived of his estate, or exiled, or condemned or deprived of life, liberty, or property, unless by due process of law.*

This provision is of vital importance to ensure good government, and to exclude arbitrary proceedings so rife in most Native States. I have framed this by almost adopting the words of Kent,—vide page 623, vol. I., of his Commentaries on American Law.

33. *The right of deliverance from all unlawful imprisonment shall be ensured to the subject by such means as he may avail himself of freely, easily, cheaply, and expeditiously.*

I mean, of course, that something analogous in effect to the English writ of Habeas Corpus shall be enacted for the protection of the subject against the infraction of the right which the English secured at Runnymede.

34. *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

There is a certain degree of vagueness in the words "excessive," "cruel," and "unusual." Still, the sense intended is plain enough.

This provision is taken from the English Declaration of Rights, and I have adopted the very words used in the constitution of the American Union—vide Kent, vol. I., page 675.

It might be objected to this provision,—why have it, while the laws will lay down the limits of bail, fines, and punishments? The answer is not difficult. We are laying down fundamental principles for the Government of a Native State where there are scarcely regular laws. The fundamental principle embodied in this provision is to guide the framing of penal laws.

35. *The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

This, again, is taken from the Constitution of the United States—vide Kent, vol. I., page 675. The most arbitrary and sometimes intolerably vexatious searches are too often made in Native States. This broad provision will be a standing remembrancer both to the legislature and the executive.

36. *No person in the country shall, at any time, or in any wise, be molested, punished, or called in question for any differences in opinion in matters of religion, who does not disturb, or is not likely to disturb, the civil peace of the country.*

This grand principle of religious toleration is expressed very nearly in the words used in the charters of some of the States comprising the great American Union—vide Kent, vol. I., page 658.

37. *The public press shall be as free in the country as in British India.*

This requires scarcely any explanation. One of the most potent checks on any Government will thus be permitted to act with full force. Public opinion, expressed in British India in a manner legally permissible, will thus find free circulation in the territory of the Native State.

38. *The right of the people to have the best qualified persons appointed to perform public duties shall be at all times fully and faithfully respected.*

As a general rule, in Native States any man is thought fit to perform any function, including that of a judge. This provision is intended to keep constantly and prominently before the eye of the Prince the importance of selecting duly qualified persons for public appointments.

39. *As a general rule, no public servant shall be removable "quamdiu bene se gesserint." This particularly applies to Judicial Officers.*

This principle is, I believe, in full force in British India. Judicial officers are specially protected by this principle in the British and American Constitutions.

This provision is not, of course, intended to operate in cases where the public servant is incapacitated by sickness or superannuation, nor in cases where he has been engaged on special contract for a specified term of years.

40. *No Judge of the superior Courts shall be appointed or removed except by the Sovereign under the advice of the responsible minister, the Dewan, who will have duly consulted the British Resident.*

It is of supreme importance to secure the uprightness and independence of good Judges, and hence this provision. In the generality of Native States, good Judges stand in need of special protection, as they often incur the enmity of the rich and influential in honest endeavours to protect the poor and uninfluential masses.

41. *Every Judge shall solemnly bind himself to administer justice according to the laws and customs of the country and in conformity with the provisions herein laid down.*

This hardly requires explanation or remark.

42. *No Judge shall, privately or publicly, directly or indirectly hold any office, pension or allowance, or receive any remuneration, present, or gratuity from the Sovereign, in addition to his proper salary as Judge.*

This is an obviously useful and necessary restriction to secure the proper independence of the Judge, and is recognised as such in European systems. This restraining provision is very essential in Native States, where the practice of making special presents, &c. very largely prevails.

43. *The Judges of the several courts shall have ascertained salaries, not subject to reduction at any time during their continuance in office. Nor shall the salary of a newly appointed judge be made lower than the usual rate in view to raise it by degrees to that rate.*

This safeguard of judicial independence, originally found in the British Constitution, and improved by that of the American Union, is absolutely required in Native States.

The latter part, however, is my own. It is designed to prevent the evasion of the former part. The effect of the whole as it stands, is that the full appointed salary shall be given to the Judge when first appointed, and that it shall not be diminished during his incumbency.

This leaves it open to the State to raise the salary as a general measure whenever necessary. It likewise leaves it open to the State to reduce the salary at the time of appointment if the object is a permanent reduction. Thus, the influences adverse to judicial independence are minimized, while just liberty of action is reserved to the State.

44. *Every law, proclamation, order, or custom which may be opposed to the provisions herein laid down shall be null and void, so far as it is so opposed.*

Without this special provision, this collection of fundamental principles would be useless. This provision will have both a prospective and retrospective effect.

45. *The provisions herein laid down shall not be altered, modified, or set aside wholly or partially unless under the advice or with the concurrence of the Viceroy and Governor General of India in Council.*

In the first place, it would never do to make these provisions so fixed and rigid as absolutely to shut out all future improvement according to times and circumstances and as

the result of valuable experience to be gained hereafter. Hence this provision properly leaves the door open for future improvement.

In the next place, it would be equally undesirable to render alterations, &c. so easy as to lead to constant tampering with the fundamental rules which it is our aim to lay down.

Framed as this provision is, there is every reasonable guarantee against hasty or unwise meddling. If any alteration be really required, it will be clearly set forth with all the advantages of local knowledge and information; and then it will be impartially judged by a central authority inaccessible to local passions and prejudices, and able to take large views. Besides, there is generally a great lawyer in the Viceroy's Council, who is sure to give valuable advice in matters relating to constitutional law.

46. *The provisions herein laid down shall be fully promulgated in the languages of the country, through the Official Gazette of the State.*

I attach much importance to such publicity. Let every man in the country know and be familiar with the fundamental principles which guide the Government under which he lives. Let him know what his rights and liberties are and how they are secured. In every case of their infringement, let him by all means be in a position to quote the particular fundamental principle which has been infringed.

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MINUTE by the Honourable Mr. ROGERS, dated 1st March 1874.

THE facts elicited by the inquiries of the Commission appear to me fully to bear out all that the Resident has reported as to the misgovernment of the Gaekwar's dominions, and to justify the serious step of appointing that Commission taken by the Government of India at the recommendation of this Government. A more complete picture of the evil effects of irresponsible despotic rule when in the hands of an uneducated, vindictive, avaricious, and unscrupulous Native Potentate could hardly have been drawn. A people arbitrarily taxed at the pleasure of a selfish man, surrounded by courtiers aware of the uncertain tenure of their position, and eager to amass riches while they have the opportunity; the right to levy the taxes farmed out to whoever pays the heaviest bribes (for the Nazaranas levied can be called by no other name), and who in return obtains not only fiscal but civil and criminal jurisdiction also, but in his turn is exposed to be deprived of his purchased right without warning by another paying a heavier bribe; a custom, and excused by the Commission on the ground that it is a well-known custom, of levying the revenue, not by any reasonable process of law, but by the bodily torture of the cultivators of the soil; justice almost openly administered by ignorant and corrupt tribunals by means of torture (the flogging case in which one man died leaves no doubt of this in my mind), and capable, when called to account, of falsifying records, and shameless perversion of the truth; old retainers of the State and relatives and trusted advisers of former Rulers cast ruthlessly on the world without the means of gaining their livelihood; petty Chiefs roused to desperation by new exactions; debts due to bankers to whom the State has been under deep obligations repudiated, and their private property confiscated without a shadow of excuse, they themselves and the members of their families being kept prisoners without any charge being brought against them and without even the semblance of a trial; tradesmen offering jewels for sale simply swindled out of their fair value; women, the wives and daughters of respectable men, seized in open day in the capital of the kingdom, ordered into domestic slavery in the Gaekwar's Palace by himself personally, sometimes dishonoured by attendants and fearing to come forward to tell the story of their shame before the world; probably darker deeds behind, such as the suspected death of Bhow Scindia in prison by poison, which the Commission were not allowed to inquire into;—all these find place in the Report of the Commission, and for all, the British Government are morally responsible. We protect the Gaekwar from internal as well as external enemies, that is, we prevent his subjects from taking the remedy for this state of matters into their own hands and rebelling against him, and he goes on unrestrained, mocking at their griefs. This is not a fitting position for us to occupy, and I shall be very much astonished if, when the Report of the Commission is published, a burst of indignation does not arise from home which will oblige the Government of India at once to put a stop to it. It may be said that probably the condition of other Native Protected States is as bad, and interference in Baroda will necessitate the same elsewhere, thus leading to much difficulty in criticising too minutely the actions of independent Sovereigns. Let it be so, and I am clearly of opinion that we shall not fulfil the obligations thrown on us as the

Paramount Power in India if we do not accept the responsibility of such interference wherever it may be found necessary, feeling assured that, however irritating it may be to the personal feelings of incompetent or vicious Native Chiefs, it will eventually turn out to be for their own good as well as for the greater happiness of the millions whom we by the power of the sword deprive of what would in our absence be their natural remedy. I quite concur with my honourable colleague, Mr. Tucker, that something more than what is proposed by the Commission, viz., the appointment of a responsible Minister to be supported by the influence of the Resident, and the removal of some of the Durbar officials to make way for a few carefully selected men trained in the British service, will be needed to bring about a permanent reform. This might do good for a time, if the Gaekwar were amenable to reason and the Resident a competent man, but what guarantee would there be for matters not relapsing into their present state if the Gaekwar cunningly agreed to everything in public, but in secret worked against it, or if the Resident were a weak or careless, or even too hasty a man? To effect any permanent good, the Government of Protected Native States must be gradually deprived of the character of despotic rule, dependent on the character and disposition of a single man, and must be made in some measure constitutional, so that the Ruler may be, to as great an extent as may be found practicable, under the obligation of some fixed rule or written law of administration. Without this there is no means by which responsibility for his acts or the acts of his subordinates can be brought home to a Native Chief. In the present case, for instance, numerous shameful proceedings have been established before the Commission, but the Commissioners palliate them under the untenable ground that the custom of the Durbar, and not the Gaekwar himself, is responsible. I believe that the introduction of a measure of this kind is feasible, and have been shown the draft of a Constitution drawn up by an eminent Native Statesman of great experience, which, with a few modifications, would suit this view admirably, and I do not think the present favourable opportunity should be lost to insist on the introduction of something of the kind into Baroda. Its Ruler personally, and the whole system of Government have now been found utterly vicious and corrupt. Affairs, in my opinion, cannot be brought into a condition for which only the British Government should by its action render itself responsible, except by some such thorough reform as that contained in the draft alluded to. The mere palliative proposed by the Commission will, I am convinced, be found practically useless, and perhaps lead hereafter to the necessity for a far more serious interference with the affairs of the Gaekwar and his personal control over them than would be the result of the introduction of moderately constitutional Government. I trust His Excellency the President will see fit to modify the draft to the Government of India in accordance with the views of Mr. Tucker and myself. I would at all events, as well as my honourable colleague, wish it to be noted that I hold such views, and that the attempt to introduce the much needed reforms sketched out in the 10th para. of the Report of the Commission, by the means they suggest, would be futile. Before concluding this Minute I think it necessary to notice the unfounded insinuation in the opinion recorded under Schedule II., Case 2, that the proceedings of the British authorities in the case of certain villages in Surat were of a similarly arbitrary character with those of the Durbar in the Bejapoor Thakors' cases. The Commission say they do not wish it to be inferred that the cases are exactly parallel, but they are sufficiently similar to have some weight with the Commission. I know the case well. It is one in which certain Dessais are believed to have held certain villages collusively and by fraud at a lump rental, to which they had no right whatever. The Revenue authorities have according to law imposed the survey assessment, and the parties have, as they have every right to do, appealed to the Civil Court, where the merits will be fairly tried. In the Gaekwar's territory there would be no such appeal.

A. ROGERS.

From the MEMBERS of the BARODA INQUIRY COMMISSION to the SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

SIR,

HAVING concluded our investigation of the complaints of mal-administration on the part of the Gaekwar's Government, brought before us for that purpose by the Resident at Baroda, and the inquiries that appeared to be necessary to enable us to form an accurate opinion of His Highness' Contingent (maintained under the terms of Article 8 of the Treaty of 6th November 1817), and of the measures called for to render it reasonably efficient for the performance of the duties on which it is employed, in accordance with the views and instructions conveyed in your office despatch as per margin, we have the honour to report herewith the results of our proceedings on both these subjects, for the information and orders of His Excellency the Right Honourable the Viceroy and Governor General in Council.

No. 2209, dated 19th September 1873, to the Government of Bombay.

2. As your office has from time to time been kept informed of the progress of our inquiry, it will be sufficient to state here, on that head, that the Commission met in Bombay on the 1st November 1873, and on the same day intimated to the Resident—with reference to the instructions contained in paragraph 9 of your office despatch already alluded to, that it was only to deal with such complaints as were laid before it, by or through him—the course it proposed to take in carrying out the duty delegated to it by the Government of India; that it commenced its sittings at Baroda on the 10th idem, and continued them daily, Sundays excepted, till the 24th December, when the Resident having intimated officially that he considered the cases already inquired into amply sufficient to establish the general charges brought by him against the Gaekwar's administration, and it appearing undesirable that the Commission should protract its stay at Baroda any longer than was absolutely necessary, we at once returned to Bombay in view to arranging and analysing the evidence that had been taken, and completing our Report at the Presidency.

Copies of the letters to and from the Resident on the above points will be found among the Appendices to this letter.

3. As the inquiry on which the Commission has been engaged originated in the allegations of mal-administration of the Baroda State by the present Ruler and his chief officers and servants, laid before Government by the Resident, it will be proper in the first place to give a brief account of the principal events connected with His Highness Mulharrao, and his career hitherto, and the names and characters of the officials who are popularly regarded as his chief advisers.

The Gaekwar.

I. His Highness Mulharrao is the fifth and last surviving son of Maharaja Seiajirao, and is about 43 years of age. Of his four elder brothers, two, viz., Ganpatrao and Khunderao, successively filled the post of Ruler after their father's death, the last-named having reigned from 19th November 1856 to 28th November 1870. In 1863 His Highness Mulharrao was accused of being concerned in a conspiracy to compass the death of his brother Khunderao by poison or other means, and was in consequence confined as a State prisoner at Padra, in the Baroda territory, during the remainder of that Prince's life; his associates in the plot, who were in his service, being sentenced to long terms of imprisonment.

On the death of His Highness Khunderao, on 28th November 1870, which occurred rather suddenly, Mulharrao was at once summoned from Padra, and installed as his successor by the Resident, with an intimation, however, that his recognition as reigning Gaekwar must be dependent on the sanction of the British Government, which was accorded on 1st December 1870.

His chief officers.

II. His principal officers and advisers who may be said to form the present Durbar, are:—

1. The Dewan, Seiajirao Khanvelkar.
2. The Senaputty, Bapujirao Mohita.

The members of the first or high court, viz.:—

3. Govindrao Mama.
4. Balvantrao Dev.
5. Bapubhai Daiashankar.
6. Martandrao Anna.

7. The Revenue Commissioner, Hariba Gaekwar.
8. The Sir Fouzdar, Balwuntrao Yeshwunt.

The other officials about the court who are regarded as having more or less influence on the conduct of affairs are :—

9. The Deputy Revenue Commissioner, Narayenbhai Lallubhai.
10. The Farnavis, Mahadevarao Ramchandar.
11. The Controller of the State Banks and His Highness' private treasury, Wussuntram Bhow.

Of these persons the first two are His Highness' brothers-in-law. The Dewan is stated to be ignorant and inexperienced, and to be quite unfit for the responsible duties of his office. He has also the reputation of being very avaricious, and of having already amassed considerable wealth by taking improper advantage of his position.

The Senaputty is favourably spoken of, but has probably little real influence.

Of the members of the high court—

Govindrao Mama is not favourably spoken of.

Balvantrao Dev was formerly dismissed from the post of Karbharee of Lunawarra for taking bribes, and bears an indifferent character in his present office. He is stated to have been fined and dismissed the service by the late Ruler for corrupt practices.

Bapubhai Daiashankar bears a good reputation, and is a respectable man.

Martandrao Anna is not well spoken of, but has little weight.

The Revenue Commissioner is regarded as a harsh authority in matters relating to his department, and is stated to have been accused of oppression and bribery.

The Sir Fouzdar appears to have been mixed up in several of the oppressive and irregular proceedings that have been the subject of complaint before the Commission, and is said to have been sentenced to imprisonment by the late Chief for taking bribes.

The Deputy Revenue Commissioner was formerly dismissed the service of the British Government, in connection with charges of misconduct and taking bribes. The popular opinion of this man is stated to be most unfavourable.

There appears to be nothing to remark regarding the Farnavis, but the Controller of the State Banks and Privy Purse is said to be regarded as an unscrupulous agent of the Maharaja's, and his name has been unfavourably mentioned in connection with some of the cases that have come before the Commission.

The opinions regarding the above-mentioned persons recorded in these remarks have been gathered partly from the Resident, and partly from independent inquiries by ourselves.

4. Turning now to the subject proper of the Report, viz., the results of our inquiries into the matters which have been under investigation at our hands, we propose to divide the same into two parts as follows :—

*Part I.*—to embrace (1) the alleged unjust and oppressive treatment of British subjects, and the course recommended for adoption by the Commission in connexion therewith (as described in para. 5 of your office despatch No. 2209 P), and (2) the allegation of general misgovernment of the Baroda State, with the grievances connected therewith, or arising therefrom, that have been the subject of investigation, and the opinion of the Commission as to the establishment, or otherwise, of the existence of such general misgovernment being held as proved, with the measures suggested by the Commission to bring about and maintain for the future a more satisfactory state of affairs, without entailing a minute and vexatious interference on the part of the British Government (as directed in para. 8 of your office despatch No. 2209 P).

*Part.II.*—to embrace (1) the results of the inquiries instituted by the Commission into the present condition of the Contingent, and its fitness, or otherwise, for the satisfactory performance of the duties on which it is employed in the Tributary Mahals ; and (2) the measures and rules proposed for adoption by the Commission to render the force duly efficient for the purposes of such duties (as enjoined in para. 14 of the despatch already referred to).

## PART I.

5. The Schedules furnished to the Commission by the Resident, drawn up in accordance with the instructions communicated to him in our letter dated 1st November 1873, are three in number, and contain the following cases or groups of cases of grievance:—

*Schedule I.*—Complaints of British subjects. Thirteen cases or groups of cases.

*Schedule II.*—Complaints of Baroda subjects of general misgovernment. Sixty six cases or groups of cases.

*Schedule III.*—Miscellaneous and similar complaints to those in Schedule II. Fourteen cases or groups of cases.

The evidence *in extenso* taken in all the cases brought forward in the above Schedules that have been investigated will be found properly classed and arranged in the Minutes of the Commission, together with the cross-examinations, replies, or remarks by the Durbar Agent in each case, and the final rejoinders of the Resident to the latter.

A summary of the proceedings in each such case, similarly arranged, with the opinion of the Commission on its merits, is attached as a separate Appendix to this Report.

6. *Schedule I.* — Complaints of unjust and oppressive treatment of British subjects.

In this Schedule, as originally framed by the Resident, thirteen cases were brought forward for investigation, but the Commission considered that only seven of the number properly appertained to this Schedule, as demanding inquiry under the terms of para. 5 of the despatch of 19th September 1873, and the transfer of the remaining six cases to Schedule III. was accordingly ordered.

The Commission investigated the grievances of five of the seven complainants, whose cases were thus retained in this Schedule, but was unable to do so in the case of the remaining two, as the complainants did not attend.

The opinion of the Commission on each of the cases investigated by it is recorded in the summary appended to this Report, and it will be seen that in only one, No. 10, does it consider that the complaint has been substantiated in a manner to require special redress from the Durbar; and further, that on the occurrence which forms the subject of grievance in that case being brought to its notice, the Durbar took proper action against the offending official, and awarded adequate punishment. The amount of compensation that should be paid to the complainant in this case has been fixed by the Commission at Rs. 100.

Finally, the circumstances that have been brought before us, in connexion with this branch of the inquiry, do not, in our opinion, warrant our proposing any general measures for the special protection of British subjects within the Baroda territories.

With regard to the Resident's remarks under cases 11 of Schedule I. and 33 of Schedule II. on the subject of the alleged irregular surrender of accused parties to the Durbar by the British authorities, and even their seizure by Durbar officials in British territory, the correction of the former practice, if it really exists, does not rest with this Commission, while the British magistrates are fully competent to deal effectually with every case of the latter that is brought to their notice. This has been pointed out to the Resident, and he has been informed that the Commission cannot inquire into and deal with such cases.

7. *Schedules II. and III.*—Complaints and allegations in support of the charge of general misgovernment.

The Commission has inquired into fifty-seven cases or groups of cases brought forward in Schedule II., and eight of those entered in Schedule III. Nine cases in the former, and six in the latter Schedule have not been investigated or entered into, for reasons which will be found recorded under each such case in the list of uninvestigated cases appended to the summary.

8. The sixty-five complaints in both Schedules that have been inquired into have been grouped or classed in twenty-one cases in the summary, and the opinion of the Commission on each group or individual case will be found recorded therein, as briefly shown in the following statement:—

| No. of Group or Case in Summary. | Nature of Grievance and Number of Complainants examined by Commission. | Opinion of the Commission. |
|---|---|---|
| No. 1 - | Grievances of the Sardars and military classes of the Baroda State.<br>Forty complainants examined. | The uncertainty of service, and liability to summary dismissal without special cause or reason, to which these classes appear to have been subject at the hands of previous Gaekwars, have been seriously aggravated since the accession of the present Chief, by the wholesale reductions he has carried out amongst them within a comparatively brief period—generally in an arbitrary manner, and as regards the followers and dependents of his predecessor—rather apparently in a spirit of hate and vengeance than from a feeling of State necessity. |
| No. 2 - | Grievances of the Bijapur Thakors<br>Seven complainants examined. | The levy of "accession Nazarana," with the measures taken to enforce its payment, is the only item of complainants' grievances for which the present Chief appears to be directly responsible; and, though the tax is, in the Commission's opinion, an objectionable one, it would appear, if the Durbar statement is correct, that it was imposed with the concurrence, as it certainly must have been with the knowledge, of the then Resident (Col. Barr). |
| No. 3 - | Grievances of the agricultural classes, in connexion with the ill-treatment and oppression to which they are subject in the collection of the Government Land Revenue and other cesses.<br>Depositions of twenty-six (26) complainants taken and recorded, and one hundred and fifty-five (155) other complainants orally examined. | The present Chief is responsible for the addition of the "accession Nazarana" to the previously heavy burdens borne by the people, and for the increased difficulties experienced in consequence in realising the Government demands. The exaction of "Nazarana" from the Vahivatdars on appointment, and the alleged attempts of the latter class to recoup themselves from the ryots, which have been brought to notice by some of the complainants in this group of cases, would also appear, even if in existence previously, to have acquired a more serious and injurious character since the accession of the present Chief. It is also important to notice, in connexion with this group of grievances, that representations of the ill-treatment inflicted on them are alleged by some of the complainants to have been made by them and their fellow-sufferers to the Chief himself, the Minister, and the Revenue Commissioner, but without their obtaining any redress; while, in some instances, the complainants depose that they were further ill-treated in consequence. Others of the complainants state that they made no such representations, because their doing so would have been useless. |
| No. 4 - | Complaints of certain Vahivatdars, or chief executive officers of Mahals, of having been summarily removed from their appointments, after having paid considerable sums for them, without any cause, and without a refund of the payments so made.<br>Three (3) complainants examined. | There seems to be no reason for doubt that the levy of "Nazarana" on appointment, from this and other classes of officials, is customary; and further, that the collection of the revenue of their Mahals has, in some instances at least, been farmed out to the Vahivatdars. |
| No. 5 - | Complaints of Baroda subjects of personal ill-treatment, described as amounting to torture, at the hands of the Gaekwar's officials.<br>Four (4) complainants examined. | The number of such instances brought before the Commission has not been large, but there can be no doubt that such cases do occur, and that there is good ground for the opinion that the character of the class of men generally employed as Vahivatdars, and the circumstances connected with these appointments, already alluded to, furnish no satisfactory or reasonable assurance that they are fitted for their responsible duties, and that they are unlikely to practise or to countenance the ill-treatment of those who are subject to their authority. |
| No. 6 - | General attachment of Vatans throughout the Baroda State.<br>No complainants examined. | The present Chief is not responsible for this measure, which was adopted by his predecessor 8 or 9 years ago. |

| No. of Group or Case in Summary. | Nature of Grievance and Number of Complainants examined by Commission. | Opinion of the Commission. |
|---|---|---|
| No. 7 - | Complaint of unjust imprisonment by the Baroda Durbar.<br>One (1) complainant examined. | In the proceedings taken against, and the sentence passed on Fakir Shaha Sahib, for writing defamatory articles regarding the Maharaja, the Commission considers that there is no ground for questioning the right of the Durbur to institute proceedings against and to punish him; but the sentence passed was altogether excessive, and out of all proportion to the offence. |
| No. 8 - | Grievances of certain State and other bankers at Baroda.<br>Four (4) complainants examined. | The action of the late and present Gaekwars towards individuals of this class appears to have been highly arbitrary, and the proceedings of the present administration, especially in some of the cases brought before the Commission, seems to it to warrant the conclusion that wealthy individuals or firms at Baroda who are not in favour with the Maharaja or his principal officials have grave grounds for alarm and anxiety as to the security and freedom from molestation of themselves and their property. |
| No. 9 - | Case of the flogging of eight (8) persons, of whom one died, brought forward by the Resident.<br>No complainant examined. | The Commission, in the face of the proceedings in the trial of the accused persons, laid before it by the Durbar, can only observe that the punishment appears to have been inflicted without any precaution to prevent its proving excessive, as one of the sufferers died while undergoing it. With regard to the further inquiries made by the Resident in this case, subsequent to the departure of the Commission from Baroda, it does not appear to be necessary to offer any remarks thereon here. |
| No. 10 - | Seizure of respectable married and unmarried women at Baroda for compulsory service as "Loundis" or household slaves in the place.<br>Three (3) complainants examined. | There can be no doubt that several instances of this discreditable nature have occurred, and that a serious scandal has thereby been brought on the personal character of the Chief himself, and on the administration of which he is the head. |
| No. 11 - | Grievances of certain members of the late Gaekwar's family, who complain that they have suffered hardships at the hands of His Highness the present Gaekwar.<br>Five (5) complainants examined. | The proceedings of the present Chief have been unusually harsh and severe towards his predecessor's relatives, and of a most sweeping and vindictive character towards his favourite followers and dependents. |
| No. 12 - | Grievances of the followers and servants of the late Khunderao Gaekwar, who allege that they have suffered hardships at the hand of the present Gaekwar.<br>Ten (10) complainants examined. | The measures taken against these classes are highly damaging to the reputation of His Highness Mulharrao, and cannot but be regarded with alarm by all associated with, or who enjoyed the favour of the late Chief, who have not as yet been molested by his successor. |
| No. 13 - | Complaints of the arbitrary resumption by the Gaekwar's Government, without cause or reason, of Inam holdings and hereditary emoluments granted by his predecessors.<br>Four (4) complainants examined. | The proceedings of the present Chief, and the grounds assigned for them in these cases, must, in the opinion of the Commission, have given rise to a feeling of uncertainty and anxiety amongst all persons of the classes to which complainants belong, holding such Inams and emoluments under grants from previous Gaekwars. |
| No. 14 - | Question of prison reform generally in the Baroda State, brought forward by the Resident.<br>No complainants examined. | It seems sufficient to observe that the ill-treatment of female prisoners by corporal correction, which forms the chief complaint, is stated to have been recently interdicted. A reform of the present jail system and arrangements is no doubt required. |
| No. 15 - | Complaints of obstruction offered by the Gaekwar's Government or its officials to parties desiring to appear before the Commission to state their grievances.<br>Two (2) complainants examined. | The proceedings taken by the Durbar towards a Vakil employed as an agent by certain complainants was ill-advised, and, under the circumstances, cannot but be condemned.<br>An inquiry is being made by the Durbar into the complaints of the Naosari ryots under this head, and the result will be communicated by it to the Resident. |

| No. of Group or Case in Summary. | Nature of Grievance, and Number of Complainants examined by Commission. | Opinion of the Commission. |
|---|---|---|
| No. 1 | Complaints of certain women, inhabitants of the village of Viriao, in the Naosari Purgunna.<br>The grievances of the complainants, who were very numerous, were heard orally by the Commission. | The grievance complained of is one of long standing; but it is hoped that it will now be redressed. It is not, however, one in which the Commission can interfere. |
| No. 17 - | Claims of the creditors of the late Bhow Scindia, Dewan of the late Gaekwar.<br>No complainant examined. | There is no doubt that the present Chief has attached and confiscated all the deceased's property in Baroda on the ground of the public claims against the late Minister for malversation of the State property and revenues; but the Commission is not in a position to judge of the merits of this proceeding, or to form an opinion of the value of the property so seized. |
| No. 18 - | Claims of certain jewellers of Ahmedabad on account of jewels sold by them to His Highness the present Gaekwar, the prices of which have not been paid by His Highness. | The Maharaja appears to the Commission to be bound to adopt the steps that are necessary to effect an equitable settlement of these large personal claims against His Highness without delay. The Commission has suggested the mode that appears to it to be the most fitting, under the circumstances, for adoption with this object. |
| No. 19 - | Complaint of the sons of the late Ganesh Sudasco, Dewan of Baroda under the late Gaekwar.<br>One (1) complainant examined. | In the attachment of the Durbar of the Inam village, granted to the then Minister by the late Chief for his services at the period of the mutiny, the present Gaekwar is responsible for the continuance of an act of, apparently, unjust repudiation of his own grant by his predecessor, and for the determination to enforce the same by the final resumption of the village in question, giving complainant one of inferior value or a money payment in lieu of it. |
| No. 20 - | Complaint of one Bhanabhai Lalbhai regarding the non-liquidation of his claim to Rs. 3,76,323 for boundary stones supplied to the Gaekwar's Government in 1863.<br>No complainant examined. | The Durbar has intimated to the Commission its readiness to adjust the account on the attendance of complainant with his vouchers for the purpose.<br>The claim is not one that the Commission can with propriety take up or dispose of. |
| No. 21 - | Representations by the Resident of the present state of the relations of the Gaekwar with the British Government and the neighbouring states of the Rewa Kanta, Mahikanta, and Pahlanpur Agencies.<br>No complainants examined. | The Commission has held no investigation into, and is therefore not in a position to offer any but general remarks on, the subjects noticed in these representations, which will be found recorded in the summary. |

9. On a full consideration of the circumstances that have come to notice in the course of the inquiry held by the Commission, as summarised in the foregoing paras. of this Report, we are of opinion that the proceedings of His Highness Mulharrao in the several classes of cases noted in the margin have been highly arbitrary, and in some instances very unjust, and of a character calculated to bring grave discredit on His Highness' administration, and to excite distrust and alarm amongst a large portion of the influential and respectable classes of the community.

1. Summary and extensive reduction of Sirdars and Silledars.
2. Treatment of certain Baroda bankers.
3. Seizure of women to render forced service in the Palace.
4. Treatment of the late Gaekwar's relatives, and his favourites and dependents.
5. Arbitrary resumption of certain Inams and hereditary emoluments.

10. The Commission further considers—

(1.) That the grievances of the agricultural classes require careful examination and consideration at the hands of the Durbar, in view to the mitigation or removal of several of the grounds of complaint stated by the persons of these classes who attended the Commission, which appear to be well founded, and, though not due, or but partly due, to the present Chief, undoubtedly call for redress. These grievances

include the present high rates of land assessment, which demand revision, and the levy of general "Nazaranas" under whatever name or on whatever ground by the Chief or the Minister.

(2.) That the existing practice of levying "Nazarana," on appointment, from Vahivatdars and other officials, whether in the name of the Chief himself or by the Minister or his deputies, and of giving the Mahals, over which they preside, in farm, on whatever plea, to the former class, is wholly inconsistent with good government, and should be entirely relinquished and interdicted.

(3.) That the practice of ill-treating accused persons or prisoners, with the object of extorting confession, which certainly obtains to some extent, demands the most watchful and sincere efforts of the Durbar for its absolute suppression.

(4.) That the settlement of the rights of all Wuttundars throughout the State, which was promised by the late Chief eight or nine years ago, when the Wuttuns generally were attached, should be carried out in a just and equitable manner without delay, or all action in the matter finally dropped, the Wuttundars being restored to or not being disturbed in the enjoyment of their, generally, long-enjoyed rights.

(5.) That the adoption of a humane and otherwise suitable code of rules for the administration of the State jails is very desirable; and—

(6.) That the judicial department and administration require entire reform, the existing abuses being abolished, so as to remove the present uncertain and irregular application of the law, and want of confidence in the proceedings of the Courts and Magistrates, which have been strongly urged on our attention by the Resident in the course of this inquiry, and of the existence of which we can have no reasonable doubt.

11. Lastly, we are compelled to come to the conclusion that the state of affairs thus portrayed does, when viewed altogether, constitute general mal-administration of a character urgently calling for reformation, especially with reference to the intermixed position of the Baroda and British districts, and the consequent intimate relations and interests existing between them, and that such a change of system as is needed with this object cannot, under the peculiar circumstances of the case, be effected without some interference on the part of the British Government.

12. As regards the present Gaekwar himself, we have already (in para. 3 of this Report) given a brief sketch of his career, from which it may be judged that his antecedents, at the time of his accession, can hardly be said to have furnished grounds for the expectation that he would prove a wise and good Ruler.

His harsh and severe treatment of his predecessor's relatives and dependents forms perhaps the greatest blot on his character since his assumption of the Chiefship, but some excuse for this may be found in the fact that he considered that he and his friends and associates had been harshly and unjustly treated by the late Chief and *his* servants and favourites, and that retaliatory measures towards the latter, when within his power, were justifiable. Thus, Bhow Scindia, who was at once deposed from the office of Minister and thrown into prison, where he ended his life after 18 months' confinement, under circumstances of grave suspicion, was the chief Judicial Officer of the State who conducted the inquiry into the charge of conspiring against the then Chief, which resulted in Mulharrao's imprisonment during seven years, and the severe punishment of several of his friends and dependents; and no doubt many of the late Gaekwar's other servants and favourites, who have suffered at his successor's hands, took an active part in the proceedings against His Highness Mulharrao at that period, and were regarded by him as his personal enemies. Still, making every allowance for the feelings that would naturally actuate a person of His Highness Mulharrao's disposition under such circumstances, it is impossible to avoid the conviction, from the vindictive nature of his proceedings towards so large a number of persons as in this instance, and his violent and spoliatory treatment of many of them, as also his measures towards certain bankers and Inamdars, and the general character in other important respects of his administration during the last three years, that he is not a Prince who can be reasonably expected to introduce, of himself, the change of system absolutely necessary to reform existing abuses, and to place the administration on a footing to entitle it to the confidence and support of the British Government, and the loyal and willing obedience of all its subjects.

NOTE.—The reductions amongst the Sirdar and Silledar classes alone, on the ground of their being "Khunderao's dependents," are admitted by the Durbar to have aggregated, within the last three years, Rs. 1,93,500 of annual charge.

13. Nor, however well-disposed His Highness might himself be to concur in the adoption of the measures necessary to this object, could they, in our opinion, be attempted with any prospect of success with the aid of his present Minister and principal officials, most of whom, so far as we can judge, are by no means of the class of men that should fill such responsible and important posts.

14. To obtain such a result, we deem it to be essential that the Minister of the Baroda State shall be selected with reference to his administrative experience and personal and other special qualifications for the post, and, while enjoined to secure the Chief's good-will and confidence, and to work in respectful subordination to him, never forgetting their relative positions, that he shall have such support from the Resident as may be necessary to enable him to carry out efficiently and satisfactorily the important functions of his office, and that he shall not be liable to removal without the special orders of the British Government. We are further of opinion that the Resident should, for a time at least, be vested with special authority to intervene, if necessary, between the Maharaja and the Minister.

15. With regard to the unsatisfactory character of many of the present Durbar officials, and the bad reputation in which they appear to the Commission to be held by a large proportion of the people, the first duty that would devolve on the new Minister, if appointed as above proposed, would be a careful elimination and dismissal of such of them as are unfit to be continued in the public service under the new arrangement, and he would probably require the assistance of the Resident in obtaining, under the sanction of Government, the services of an adequate number of competent and qualified men from the British provinces or elsewhere, who can be induced to take employment in the Gaekwar's service.

On this point we will only observe that, while we should deprecate any *needless* introduction of other than Baroda subjects into the service of the State, the employment of a few carefully selected men, who have already received an adequate training in the British public service, will, so far as we can judge, be absolutely necessary to enable the Minister to carry out the changes so urgently called for. We understand that the Maharaja is not averse to the entertainment of any needful number of men of this class that can be obtained for the purpose.

16. In thus submitting, as directed, for the consideration of His Excellency in Council, our views as to the measures that should be adopted to bring about and maintain for the future a more satisfactory state of affairs in Baroda, without entailing a minute and vexatious interference on the part of the British Government, we would beg to add that we are not unmindful of the objections that naturally suggest themselves to such an arrangement as that proposed, or to the delicate nature of the task that will devolve on the Minister and the Resident in making that arrangement, if carried out, work successfully.

17. But we are fully convinced that the defects of the Baroda administration are of such a nature that no lesser interference than that suggested can, under the peculiar circumstances of the case, be of any avail. There can be no doubt that during the last six or seven years of His Highness Khunderao's life the system of government, bad as it appears always to have been, underwent a serious decadence: the proceedings of the Chief were more arbitrary than previously; new* cesses and levies were imposed, without consideration of the previously heavy assessment to which the ryots were subject, and the collection of the Government dues was enforced by the local officials by harsh and compulsory measures, of the character that have been deposed to by many witnesses who have appeared before the Commission; while complaints were not heard, and there was no redress for such grievances.

* As one of 10 per cent. on the revenue of all State lands for one year for the construction of a new Palace, another of smaller amount for the manufacture of a golden howda, &c.

The appointment of Bhow Scindia as Minister in 1867 appears to have still further aggravated the state of things previously existing, his character being, it is alleged, extremely venal and rapacious. The accession of the present Chief has merely resulted in the change of some of the officials, but without benefit to the country or the people, for there has been no change in the system, and the craving for acquiring wealth, however irregularly or improperly, has been doubtless as keen amongst the new employés as those displaced by them; while the Maharaja himself appears, unhappily, to have been bent on increasing his revenue by imprudent and oppressive means.

18. Under such circumstances, it appears to us to be hopeless to look for any effectual measures of reform and improved government at the hands of the present

Ruler and his advisers, and we are convinced that these can only be introduced through the intervention and under the auspices of the British Government. At the same time, we have no doubt that it will be quite in the power of the Maharaja to ensure success to the measures that may be so authorised, and to render further interference unnecessary, by accepting them frankly, and giving his cordial support to the Minister who may be appointed with the approval of the British Government.

19. Before closing this part of the Report, it will be proper for us to refer to the issue by the Resident, under our authority, of a notice, intimating that persons appearing to give evidence before the Commission would be under his protection as Resident, in respect of *bonâ fide* evidence so given by them; and to some other points requiring remark.

The issue of the notice was authorised by us in consequence of the Resident's representation that, without some such assurance, it was not to be expected that complainants would venture to come forward; but we were much concerned to find, on the receipt of the copy of your Despatch to the Government of Bombay, No. 4 C P, dated 15th November 1873 (forwarded under your Office docket No. 5 C P, of the same date), that the course we had been led to take was opposed to the views and intentions of the Government of India, as set forth in para. 3 of that despatch.

A copy of the notice, as amended by us, will be found in the Appendix to this Report, and we will only add that, in its application to the witnesses who appeared before us, the instructions conveyed in your message on the subject, dated 22nd November 1873, were carefully borne in mind and acted on.

20. With regard to the hope expressed in the khureeta, dated 19th September 1873, from His Excellency the Viceroy and Governor General to His Highness the Gaekwar, that he would afford to the Commission every assistance in his power during its investigations, we deem it right to state, for the information of His Excellency in Council, that we had, generally, every reason to be satisfied with the arrangements made by the Durbar with the above object, so far as they came under our observation. The conduct of the principal Durbar Agent who attended the sittings of the Commission, and those appointed with him, was friendly and free from obstruction, and our references through him to the Durbar, where such were necessary in any of the cases that came before us, were duly and generally promptly dealt with.

There were some complaints of obstruction by the Durbar officials to parties who desired to state their grievances to the Commission, and one of ill-treatment of certain ryots who had visited Baroda, and represented their hardships to the Resident, which were laid before the Commission too late for any inquiry by it. The Durbar Agent, however, promised that these complaints should be duly inquired into, and the result reported to the Resident.

On its part, the Commission was scrupulously careful to avoid any proceeding that might have the effect of rendering the inquiry it was conducting more distasteful and painful to His Highness than was absolutely unavoidable under the circumstances.

21. With reference to certain differences between the Resident and ourselves regarding some of the cases brought forward by him,—as will be seen from our proceedings and his Schedules and letters in the Appendices,—we beg to remark that we found it impossible to investigate, in the manner desired by the Resident, some of the cases entered in the Schedules, as to have done so, had there been no other objection to such a course, to the extent required to enable us to form an accurate judgment of their exact merits, would probably have taken several days for each, especially where an examination of old and lengthy accounts was essential to a proper understanding of the facts. It was, moreover, unlikely that the evidence forthcoming would prove to be of an adequate character to establish satisfactorily the charge or claim in these cases, while, even if it should appear to be so, as the Durbar could not have been called on to defend them, and there could thus have been no contention, the result would still have been one-sided and valueless. Again, in certain cases in which the Resident desired the proceedings of the Durbar's Criminal Courts to be thoroughly investigated, and the original charge in each such instance to be virtually retried by the Commission, we deemed it sufficient to consider, (1), if the Durbar had reasonable ground for regarding itself as warranted in dealing with the case, and (2), when it appeared to have such

ground, if there was anything of so excessive or exceptional a character in the sentence passed by it as to require or justify our interference. When the latter was not clearly the case, we deemed it to be our duty to decline such interference, as being unnecessary and improper. Lastly, in two claims against the Maharaja personally, on account of the price of certain jewels purchased by him, which had remained unadjusted by His Highness on the plea that he had been deceived as to the value of the articles, we considered that we had no authority to investigate the same, and therefore confined our intervention to directing the attention of the Durbar Agent to the said claims, and pointing out the most fitting course that appeared to us to be open for adoption for their settlement.

22. We will only add that we are well aware that many of the cases in which we have allowed the complainants to appear before the Commission are not of a class that would ordinarily be fit subjects for inquiry or official interference at the hands of the British authorities. With reference, however, to the objects of the assembly of the Commission, and the general circumstances of the allegations against the Durbar, we have deemed the course taken by us in this class of cases to have been that which it behoved us to adopt, and trust that the same may meet with the approval of His Excellency in Council.

23. It may be proper further to explain that the Resident was anxious to notice the Durbar's replies or remarks in some of the cases deposed to before the Commission, and that, as there were obvious objections to his doing so in the way of a rejoinder at the time, we consented to allow him to submit a final memo. or note in each case in which he deemed such to be necessary. Such memos. we intended to be merely brief comments on any particular point or statement put forth by the Durbar Agent, which might appear to the Resident to call for special remark from him, but these final notes have in some instances extended to a length greatly in excess of what was contemplated by the Commission, when acceding to their submission. We have, however, thought it better, under the circumstances, to allow all of them to be included *in extenso* in the Appendices to this Report.

## PART II.

24. We next proceed to record (1), the results of our inquiries into the present condition of the Contingent, and its fitness for the satisfactory performance of the duties on which it is employed in the Tributary Mahals; and (2), the measures and rules we propose for adoption to render the force duly efficient for the purpose of the said duties.

25. The chief officer of the Contingent, who is styled Sir Sooba, resides at Baroda, and the reports of the three Soobas, who exercise respectively the command of the three* chief divisions, are made to him. The Sir Sooba alone can order the dismissal of a Silledar, or the enrolment of new men. The Nemnook attached to the office of head of the Contingent is enjoyed by him, and all matters of importance connected with the force are referred to him, by the Soobas, for disposal as Colonel-in-Chief, or for the orders of the Durbar. The present Sir Sooba is the Minister of the State.

* Kattywar.
Pahlanpur.
Mahi Kanta.

26. The Soobas reside at the head-quarters of, and exercise command over, the portions of the Contingent under their charge. They are responsible for the mustering of the men, the disbursement of pay, the detail of the men for duty, and generally for the state and condition of the force under their command; and it is their duty to inquire into all complaints of misconduct that are brought against any of their men by the British officers in whose districts they are employed, and to deal adequately therewith. The Soobas have authority to fine all the men under their charge, to imprison them for short periods, and to dismiss Bargirs. Serious offences beyond these powers are referred by the Soobas to the Sir Sooba for his orders, or those of the Durbar.

27. The Contingent is employed in the maintenance of order in the territories included within the Political Agencies of Kattywar, Pahlanpur, Mahi Kanta, and Rewa Kanta, and a detail of the force is attached to the Residency at Baroda.

The following table shows the general organisation and distribution of the Contingent, as ascertained from returns furnished to the Commission :—

| Where employed. | State Risalas or Pagahs. | | Silledars. | | Total Number of Men and Horses. | Total Monthly Pay of each Portion. | Distribution. | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Number. | Number of Men and Horses. | Number. | Number of Men and Horses. | | | At Head Quarters. | On Duty. | On Leave. | Total. |
| Kattywar Agency - - - | 16 | 483 | 183 | 417 | 900 | 30,100 | 223 | 662 | 15 | 900 |
| Pahlanpur do. - - - - | 21 | 613 | 45 | 84 | 697 | 17,478 | 101 | 596 | — | 697 |
| Mahikanta do. - - - - | 25 | 850 | 74 | 150 | 1,000 | 24,954 | 195 | 763 | 42 | 1,000 |
| Rewakanta do. - - - - | 8 | 287 | 14 | 27 | 314 | 8,022 | 159 | 155 | — | 314 |
| Baroda Residency - - - - | 1 | 100 | — | — | 100 | 4,318 | 37 | 63 | — | 100 |
| Totals - - - | 71 | 2,333 | 616 | 678 | 3,011 | 84,872 | 715 | 2,239 | 57 | 3,011 |

28. *Kattywar Agency.*—A British officer, with the designation of Superintendent of the Contingent, exercises a general control over the portion of the force employed in Kattywar. All requisitions or complaints in connection with it are made to him by the Political Agent and his Assistants, and are referred by him to the Sooba in immediate command of such portion, who resides at head-quarters at Manikwara. The Superintendent is also Assistant to the Resident at Baroda, and is in Political charge of the Gaekwar's Mahals in Kattywar. He is under the orders of the Political Agent as regards the distribution and employment of the force, but reports to the Resident in any matters connected with its control or internal economy, which cannot be arranged with or through the Sooba, and in which a reference to the Durbar is necessary. The Superintendent's powers of control and representation extend to the casting of such horses as are in his opinion unserviceable, and to the approval or rejection of those entertained to replace them; to referring to the Sooba, for inquiry and proper notice, cases of misconduct on the part of the men, and, where such appears to be necessary, suggesting the nature of the punishment that should be inflicted therein; and to reporting to the Resident instances of special good or bad conduct on the part of the men, or other matters connected with the force, that he desires to bring to the notice of the Durbar.

It is further the duty of the Superintendent to see that the Contingent is kept in order, and that the men are dressed, armed, and accoutred "according to the Gaekwari custom," as provided in the Treaty; that the Reformed Troop is drilled, clothed, and armed, as ordered; and, as stated above, to receive and dispose of all requisitions for detachments, and all complaints against the men from the Political officers of the Agency.

The Superintendent observes that during six years' incumbency of the post he has always received the fullest and most willing assistance from the Sooba, and has never had to refer a case to the Resident, on account of the Sooba's neglect to attend to his representations. Instances of serious offence, reported to the Durbar by the Sooba with the Superintendent's opinion, are, he adds, invariably dealt with by it with due severity.

29. As regards the composition of the Kattywar portion of the Contingent, the Pagadars generally, and many of the Silledars, reside at Baroda, the duties connected with the charge of the Pagahs being performed by their deputies, while the absent Silledars are represented by Bargirs. The Pagahs are composed of individual Silledars and Bargirs, who ride horses belonging to the Pagadars. Bargirs are similarly employed by the Silledars who have more than one horse or "asami."

*Reformed Troop.*—Two of the Pagahs, comprising 111 men of all grades, have been organised into a "Reformed Troop," as noted in the margin. The pay allowed for the sowars of this troop is Babasai Rs. 35 (British Rs. 28. 7. 0.) per mensem, which is drawn by the Pagadars, the whole of the men being Bargirs. The latter receive Babasai Rs. 10 (British Rs. 8. 2. 0.) per mensem, the horses, uniform, arms, and equipments being all provided by the Pagadars.

| | |
|---|---|
| 1 Rasaldar | 1 Nagarchi |
| 4 Jemadars | 2 Trumpeters |
| 1 Worda major | 1 Camel sowar |
| 4 Havildars | 2 Farriers |
| 4 Naiks | 6 Non-effectives |
| 1 Nishan bardar | 84 Sowars |

Remainder of the force.

The whole of the rest of the force consists of ordinary "*Rajwara*" sowars, and is without uniform, military organisation, or discipline of any sort.

30. *Horses.*—The horses of the force generally are of small size, and many of them are in bad condition, which is no doubt to some extent due to the description of work on which they are employed. Much of it is, however, the natural consequence of neglect and want of supervision. Some of the horses are fairly good, and a large proportion of them, though not of the class that would be deemed fitted for British Native Cavalry purposes, would probably be quite equal to the ordinary duties the Contingent ought to be employed on, if more cared for by their riders, and less knocked about. The horses of the "Reformed Troop" are not much superior to those of the rest of the force, but they are better cared for, and may be described as fairly efficient.

31. *Arms and Equipments.*—The "Reformed Troop" is armed with swords and carbines; the rest of the force with swords and generally matchlocks, the latter mostly of a very old and apparently unserviceable description. A few men have old guns and pistols, and some carry spears.

32. *Pay.*—The pay of the "Reformed Troop" has already been stated. That of the rest of the force is Babasai Rs. 29 (British Rs. 23. 9. 0.) per mensem for Silledar sowars, and Babasai Rs. 8 (British Rs. 6. 8. 0.) for Bargir sowars. Some of the Silledars, and especially the "Mankaris," receive considerably more than the ordinary rate of Silledars' pay as above. It is stated that, ordinarily, Silledars save nothing of their pay, but that when grain and grass are cheap they can put by Rs. 2 or so per mensem. When prices are so exceptionally high as to call for such a course, special compensation is, it is alleged, allowed to the men by the Durbar, on the report of the Sooba.

The pay is disbursed regularly monthly, and the Superintendent states that there are no complaints of delay in its issue, or of deductions being made from it.

33. *Officers.*—With the exception of the "Reformed Troop," the arrangments respecting officers, whether of the superior or inferior class, appear to be very defective and untrustworthy.

In the case of the Pagahs, the chief officer is the deputy of the Pagadar, and is styled a Jemadar, but he appears to exercise little authority amongst the men. It is alleged that there are also inferior officers, but they receive no special pay as such, and do not seem to have any weight amongst their comrades.

Amongst the Silledars, some men are selected according to their respectability for the subordinate posts, but receive no extra pay. Their case is apparently similar to that of the same class in the Pagahs, as stated in the preceding para.

34. With reference to the distribution of the force, it should be noticed that a large proportion of the number of men (223) returned as present at head-quarters consists of Karkuns, who, are non-effective, and old sowars, who, though capable of performing light duties connected with the head-quarters, are not fit for active or detachment work. Of the (662) men entered as on duty—

(*a.*) 131 men are at Rajkot, the head-quarters of the Agency, where they are available for general duties.

(*b.*) 275 are on permanent duty, as at Thanas, &c., within the four political divisions (or Prants) of the Agency, and are under the orders of the Political Assistants.

(*c.*) 140 are posted at various places, some of them only temporarily.

(*d.*) 61 are on escort duty with Boundary Settlement and other officers; and

(*e.*) 50 are attached to the Superintendent of the Contingent, and employed with the Government stallions, or on miscellaneous duties.

35. *Pahlanpur Agency.*—The arrangements as regards the Sooba in command of this division of the Contingent have been already explained in para. 26. There is no special Superintendent as in Kattywar, and the Political Agent applies direct to the Sooba on all matters connected with the force, which in the latter Agency are referred by the Political officers to the Superintendent of the Contingent, and reports to the Resident when necessary. There is a "Reformed Troop" in this division consisting of 106 men of all grades, composed precisely as that in the Kattywar division, already described. The remainder of the Contingent in this Agency con-

sists of ordinary Rajwara sowars, without uniform, discipline, or military organisation of any kind.

1. Composition of the force.
2. Horses.
3. Arms and equipments.
4. Pay.
5. Officers.

The remarks under the heads noted in the margin, regarding the Kattywar division, are generally applicable to this and the other divisions of the force.

Of the 596 men in this Agency returned as on duty, 495 are posted at Thanas, and 101 are employed on miscellaneous duties.

36. *Mahi Kanta Agency.*—The observations in the preceding para. are, generally, equally applicable to the portion of the Contingent employed in this Agency. There are, however, two Reformed Troops, consisting of 184 men of all grades, and the establishment is stated to include a fixed and fair proportion of superior and inferior officers as noted in the margin. It is presumed that the same system of appointment and pay of these classes obtains in this as in the Kattywar Agency.

| | |
|---|---|
| Rassaldars or commandants | 10 |
| Jemadars and worda majors | 49 |
| Non-commissioned grades | 137 |
| Trumpeters, nagarchis, and musicians | 36 |
| Camel sowars | 5 |
| Farriers | 2 |
| Non-effectives | 46 |
| Sowars | 715 |

37. *Rewa Kanta Agency.*—There is no Sooba in charge of the portion of the Contingent employed in this Agency, and no "Reformed Troop" as in the other Agencies, the whole force consisting of ordinary "Rajwara" sowars, composed as already described.

The 155 men returned as on duty are partly posted at nine Thanas, and partly employed on detached duties.

38. Having stated the present formation and condition of the Contingent—as ascertained from the information that has been laid before us, and partly by personal inspection by two members of the Commission of such portions of the force as could be conveniently assembled for the purpose at central and accessible points in the three* Agencies noted in the margin, and also at Baroda,—we next proceed to notice briefly the opinions of the several officers consulted, as to the character and efficiency of the force, so far as the same has come under their observation.

* Kattywar.
Mahi Kanta.
Rewa Kanta.

39. *Kattywar Agency.*—Mr. Peile, the late Acting Political Agent in Kattywar, states that, in his opinion, the Contingent serving in that province is totally useless as a military police. This he ascribes (1) to its want of subordination to the officers under whom it is immediately employed, and (2) to its bad organisation and equipment.

(1.) As regards the first, he points out that the Contingent is commanded by a Gaekwar Sooba, and superintended by a British officer who is subordinate, not to the Political Agent, but to the Resident at Baroda, and who has his head-quarters away from Rajkot, the head-quarters of the Agency.

Mr. Peile urges that it is inexpedient that this arrangement shall continue, and he suggests that the Superintendent should be the Personal Assistant of the Political Agent, and reside at Rajkot, where he might also be Station Magistrate, and that if the Sooba is to remain in command of the force he shall be vested with full powers over it, under the observation of the Political Agent and the Superintendent, and not be checked and trammelled as at present.

(2.) As regards the organisation of the force, he proposes that five troops shall be formed of 120 men each, complete with officers, one to be at depôt head-quarters at Rajkot under the Superintendent, and one to serve in each of the four Political divisions (or Prants) of the Agency, the latter to be wholly under the control of the Prant officers, who would supervise their pay, discipline, drill, arms, clothing, &c., communicating on these matters, when necessary, with the Superintendent, who would be at all times in consultation with the Sooba. The Prant officers should also be empowered to object to any of the horses they deem unserviceable, which must be cast if the Superintendent concurs in their opinion. Should he not do so, the decision to rest with the Political Agent.

(3.) A code of rules to be framed, laying down the powers of the Prant officers and Sooba respectively, regarding the punishment of offences. Non-military offences to be dealt with by the criminal courts of the Agency.

(4.) No hereditary claims to serve in the Contingent as sowar to be recognised, and the Superintendent to be empowered, with the approval of the Political Agent,

to insist on the discharge of inefficient men, and to refuse to pass any man newly entertained, whom he deems unfit for the service.

(5.) The pay of the force to be disbursed regularly through the Rajkot or Prant treasuries, and if the requisite funds for the purpose are not provided from Baroda, the disbursements on this account to be debited against the Gaekwar's tribute.

(6.) In proposing that each troop shall consist of 100 sowars, with a complement of 20 superior and subordinate officers, &c., Mr. Peile observes that a large number of the class of *subordinate* officers is required, in consequence of the number of small parties each troop will have to provide for duty at Thanas. The officers should, he considers, be trained soldiers.

(7.) The whole of the men to be one-horse (Khodaspa) Silledars, and to receive Rs. 30 per mensem pay, the officers receiving the ordinary rates of corresponding ranks in the British service. No Bargirs to be allowed. The whole force to be mounted on mares or geldings.

(8.) The uniform might be the same as that now in use by the "Reformed Troop."

(9.) The arms to be good native swords and carbines. Depôts of ammunition to be kept at the head-quarters of each Prant and at Rajkot, and the men to be exercised in the use of their fire-arms.

(10.) Mr. Peile further states that the special officer for police in Kattywar should have a party of 20 men and 5 officers attached to him, separate from and in addition to the 5 troops; and adds that, in the force of 625 disciplined men thus proposed, he has made no provision for His Highness the Gaekwar's Mahals in Kattywar, nor for any of the numerous miscellaneous escorts that are constantly required. For this class of work he thinks a less efficient description of sowar would answer, and that 375 men might be maintained for these purposes, making the total force up to 1,000, which he considers should be its strength, instead of 900 as at present.

Appended to Mr. Peile's report are the opinions of several of the Agency officers, who generally concur as to the inefficiency of the present Contingent as a military police. The reports of these officers do not appear to call for further notice here, but they will be filed with the general original proceedings of the Commission under this head.

40. Colonel Walker, the Superintendent of the Contingent, states that the condition of the men of the force is generally fair, that there are some elderly men who, having no near relatives who could be appointed in their place and provide for their maintenance, are employed on light duties at head-quarters, but that their number is being gradually reduced, as opportunities offer, without much hardship to these old employés.

(2.) The condition of the horses depends on the amount of work given them, the season of the year, the quality of the fodder obtainable, the character of the season, and where employed. As a general rule, the horses are much overworked, and, owing to their employment on numerous small outposts, cannot be properly looked after by the officers of the force.

Colonel Walker is of opinion that, considering all things, the horses are in fair condition, and, where consideration is shown them by the officers under whose orders they are placed, that they may be said to be in good condition. He adds on this head that we are ourselves to blame for any fault that may be found with the Contingent, as the overwork imposed on it not merely tells on the horses, but breaks the spirits of the men. Excepting in the matter of dressing the men, he has always found the Durbar ready to assist in keeping up the efficiency of the force.

(3.) In a previous report the Superintendent stated that he considered that, having regard to the work now demanded of the men, it was almost impossible for a Silledar with the present rate of pay to keep himself, his family, and his horse in any part of the province, and that the inadequacy of the pay is the great difficulty that has to be contended with. If the work were reduced, the horses might be kept in good order on the present pay. He does not consider an increase of pay at the present time absolutely necessary, though he would be glad to see such accorded to the men. The pay is disbursed most regularly, a large sum being always retained available for the purpose at the head-quarters of the force.

The ordinary pay given by the States in Kattywar is Rs. 25, while the Agency Mohsali sowars get Rs. 30 each monthly.

(4.) He advocates the adoption of a cheap uniform for the Contingent, to distinguish the men from the numerous horsemen in the employ of all the States in Kattywar.

(5.) The "Reformed Troop" he considers to be well dressed and fairly equipped. The men, however, are not "picked men," and the horses are not as good as they should be. The latter point is, however, being remedied as vacancies occur, all newly-enrolled horses being passed by him. The exigencies of the service and the constant employment of small detachments have interfered with the drilling of this troop; but it can work together fairly, and the superior officers are zealous and attentive to their duty.

(6.) Officers and non-commissioned officers are proportionately distributed in the nine companies into which the force is divided, but they get no increased pay.

(7.) Of the total number, 900, of which the Contingent is composed, only 832 men are fit for duty, the remainder being non-effectives. Of this number, 707 are constantly employed on outpost, escort, and other similar duties; and as a deduction must be made for men on leave, and sick men and horses, &c., there are not more than 75 available to meet sudden calls. The Superintendent is of opinion that the work on which the force is employed should either be reduced, or its strength raised. He considers that some of the duties taken by it might be performed by some of the other bodies of sowars in the province. If something is not done to reduce the present duties required from the force, or to increase its strength, Colonel Walker considers that it can only become more and more disorganised, and at last worn out.

(8.) In conclusion, the Superintendent testifies to the great attention his representations in any matters connected with the force have always received from the Sooba and the Durbar.

41. *Pahlanpur Agency.*—Major Watson, Acting Political Agent at Pahlanpur, in reporting upon the condition of the quota of Gaekwar horse serving in that province, states that its efficiency is very much superior to that of the Kattywar Contingent, with which he is well acquainted. He attributes this superiority to the fact that the Pahlanpur horse are more directly under the Political Superintendent, and to the absence of any intermediate officer in charge. He remarks that while the Pahlanpur quota is not equal to properly drilled troops, it has nevertheless captured and killed several outlaws during the past year. He considers that the number might be reduced to 300 for the Pahlanpur districts, if the men were thoroughly efficient, but that this number should not include any sowars required by the Brigadier General Commanding the Deesa Field Brigade.

In fixing the number at 300 for good horsemen, he would add that 150 men of the Dhari Regiment should also be stationed at Pahlanpur for employment in the districts, as instances occur in which footmen are more useful than horsemen. In short, that 300 really efficient horsemen and 150 footmen would be sufficient to keep order in his districts, whereas he finds the present number of 625 horsemen, as at present constituted, insufficient.

Major Watson considers the present rate of pay decidedly insufficient, but he has received no complaints of irregularity in its disbursement. He cannot give "the rates of pay assigned to each grade serving in each Pagah or Government detail," as the information has not been furnished by the Sooba.

42. *Mahi Kanta Agency.*—As regards the Contingent serving in the Mahi Kanta, Major Legeyt, the Acting Political Agent, states that the condition of the men and horses is generally good, and that the two Risalas of Reformed horse are fairly armed. As regards the remainder of the Contingent, Major Legeyt says that it is not so properly accoutred, but that it is efficient for the work on which it is employed, and adds that if Government require an efficient fighting force, it cannot expect the Contingent to be this, as the force has to perform "duties of a nature which would try extremely the discipline of a good Cavalry corps." Major Legeyt deprecates the system of giving Pagahs, out of which the Pagadars hope to make money, to the detriment of the service. Major Legeyt thinks the efficiency of the Contingent would be increased if it was reduced from 1,000 to 800, 200 riding camels being substituted for the horses reduced. This, together with the more careful selection of Native commissioned and non-commissioned officers, Major Legeyt thinks, is all that can be done, unless the Contingent is placed under European supervision altogether.

43. *Rewa Kanta Agency.*—Captain Reeves, Acting Political Agent, reports on the subject of the general condition of the men and horses of the Contingent serving in his districts :—

(1.) That as a rule the horses are underfed and not properly cared for; that the Agent has power to cast undersized or worn-out horses; and that the animals substituted by the Pagadar or Silledar are subject to his approval before passing into the ranks.

(2.) That the men are useless for police or military purposes, because wanting in organisation and discipline, but are useful in carrying the post, fetching witnesses, and for escort duty generally, though in some instances prisoners have escaped from them.

(3.) That the sowars' arms being their own property, they sell and exchange them at pleasure; that these arms consist of swords, guns, carbines, shields, spears, or pistols, according to fancy.

(4.) That it is notorious that the men are underpaid, and that pay is irregularly disbursed; that occasionally a Pagah is farmed out, and that the pay is subject to deductions, which go to swell the incomes of the various Kamdars and Karkuns attached to the Pagahs, and that the very grain has to pay toll to various minor officials before it reaches the horses, though, as neither pay nor deductions are under the control of the Agent, he is unable to give precise information on the subject. In these matters the Sir Sooba (His Highness' Prime Minister at Baroda) is supreme, and entertains and discharges men at pleasure.

With regard to the question of the reorganisation of the force, and the police arrangements generally in his Agency, Captain Reeves would suggest that the different Native States and groups of estates should organise and maintain their own police forces,—in the case of semi-independent and larger States both mounted and foot police, but in the case of the smaller or Mehwasi estates foot police only; that 200 sowars of the Contingent (including officers) should be thoroughly drilled and disciplined; that a portion of these should be posted in the different Thanas as mounted constabulary; the rest, with the exception of a few special escorts, being kept together at head-quarters for emergencies.

With regard to the remainder of the Contingent (114 men), Captain Reeves would advise that they be employed, as at present, on miscellaneous work, but that the whole body should be under the superintendence of an European officer.

The Agent would deprecate any reduction of the present strength of 314 horses, and, indeed, would suggest an increase of 100 undisciplined sowars, if His Highness could be persuaded to agree, on the plea of the extent of territory to be guarded, which, and the number of men at his disposal, he contrasts with those, under both heads, of the other Agencies.

44. We now proceed to consider, with reference to the foregoing observations and opinions, the measures and rules in regard to the formation and equipment of the Contingent, its regular monthly pay, and the condition of its arms and accoutrements, that appear to us to be required to render it efficient for the duties it has to perform, and that may fairly be insisted on, under the terms of the existing engagements, in respect of the force, between the British and the Gaekwar's Governments.

45. It will be convenient to consider, in the first place, under this head, what these engagements bind the Gaekwar to in respect of the force, viz. :—

(1.) Article 8 of the Treaty of 1817 binds the Gaekwar's Government to maintain, and hold at the disposal of the British Government, to act with the subsidiary force wherever it may be employed, and to be subject to the general control of the officer commanding the British troops, a body of 3,000 effective cavalry to be supported exclusively at the expense of His Highness the Gaekwar, and that His Highness will conform to the advice and suggestions of the British Government relative to the formation and equipment of the same, its regular monthly payment, the condition of its arms and accoutrements, "*according to the custom of the Gaekwar's Government.*" The mode of taking the muster is then prescribed, from which it appears to have been originally intended that this body of horse should be permanently located at Baroda itself.

(2.) The agreement No. LXXXII., dated 1st–8th February 1841, under which the Treaty of 1817, which had been abrogated owing to the unfriendly conduct of the then

Page 349 of vol. VI. of Aitchison's Treaties.

Gaekwar, was revived, provides (1) for the maintenance of the Risala called Robert's Horse at an annual charge of three lakhs on the Gaekwar's revenues, in addition to the Contingent, and (2) for the employment of a body of horse, of the nature required by the Treaty of 1817, of not less than 1,500 men, for service in Kattywar and the other Tributary districts. The arrangement proposed to the Gaekwar on this occasion, in respect of the Contingent, was that its strength should be reduced to 1,500 men, but His Highness declared his wish to adhere to the terms of the Treaty on the point, and the proposed diminution was not therefore carried out. It was, however, intimated to him that if he should at any period desire to reduce the Contingent to 1,500 men, for employment in the Tributary Mahals, &c., no objection would be raised by the British Government to the measure.

It should be noticed here, that the employment of the Contingent in the Tributary Mahals for police purposes, though not authorised by the Treaty of 1817, or, apparently, any other special engagement, had been customary since its return from service in Malwa in 1820. From and after 1841 it was continued in accordance with the above engagement, the whole body, however, and not merely 1,500 men, as proposed to His Highness, being, it would appear, held available for the duty.

(3.) The Agreement No. LXXXIII. of 14–17th June 1858 remits the payment of 3 lakhs annually for the maintenance of Robert's Horse, cancels the permission accorded in 1841 to the prospective reduction of the Contingent to 1,500 men, and declares that the provisions of Article 8 of the Treaty of 1817 shall continue in full force. It further provides for the continued employment of the whole body of the Contingent in the Tributary Mahals, as the British Government may require, when it is not needed to serve with the subsidiary force.

Page 356, vol. VI., Aitchison's Treaties.

46. The sum of the engagements now in force, as stated in the preceding para., is that the Contingent shall be maintained as provided in Article 8 of the Treaty of 1817, and that its employment in the Tributary Mahals, when not required for military service, rests with the British Government.

47. With regard to the formation, &c. of the Contingent, as described in Article 8 of the Treaty of 1817, we presume that the words "according to the customs of the Gaekwar's Government" used in that Article, include the formation, equipment, regular payment, and condition of the arms and accoutrements of the force; and that though the Gaekwar is bound to conform to the advice and suggestions of the British Government on all these points, he is so only to the extent of "the customs of his Government" in respect of such matters. It is true that the term "effective cavalry" is also employed in this Article, in reference to the Contingent, and this has been pointed out and strongly urged by many of the officers who have written on the subject, but it appears that there is reason to believe that the word "effective" does not exist at all in the vernacular version of the Treaty, as it is wholly omitted in the copy in the Residency Office at Baroda. The omission is in itself of little consequence; but if there is any doubt as to the use of the word in the vernacular version with the Durbar, it will be advisable to make no reference to the term in dealing with the question in this Report.

48. Proceeding then under the impression that our proposals must be in accordance with the "customs of the Gaekwar's Government," we will consider *seriatim*:—

(1.) What the customs are in respect of each of the points noted; and

(2.) What measures and rules can, in our opinion, be adopted to render the force efficient for the purposes for which it is needed in the Tributary Mahals, without being at variance with the said customs.

49. As regards the former:—

## I.—Formation of the Force.

The Contingent was originally composed of—

(1.) State Pagahs.
(2.) Sirdars' Pagahs and Silledars.
(3.) Sebundi horse.

A small proportion of foot was also associated with it.

At the present time it is composed of a large number (1) of State and Sirdars' Pagahs; (2) of Silledars, with one or more horses, and it is understood to have

been formed into separate companies, as prescribed in the rules appended to the Gaekwar's Khureeta to His Excellency the Governor of Bombay, dated 12th February 1868, though this formation is described as being merely nominal on the most essential points.

The Pagadar system in its ordinary condition is wholly inconsistent with efficiency for the work required of the Contingent in the Tributary Mahals. The Pagadars are never present with their Pagahs, and their places are filled by deputies who have little influence or authority, and get no extra pay, and there is no proper establishment of subordinate officers.

The Pagahs.

The division of the force generally into separate companies under the rules of 1868, already referred to, though reported to have been nominally carried out, does not appear to have materially rectified the above state of things, the course taken having been to appoint the Kamdar of the largest Pagah in a company to the command, and to fill up the subordinate ranks similarly from the other Kamdars or Silledars, without reference to the fitness of the individual, and without any increase of pay.

But the formation of the Reformed Troops (that in Kattywar is composed wholly of two Pagahs, one belonging to the State, the other to a Sirdar, with two selected officers at its head,) shows that the system, unsuited as it is for the object in view, is susceptible of improvement, if the Gaekwar's Government will consent to the adoption of such an organisation generally for all the Pagahs. It is, however, essential that all the officers, whether superior or subordinate, of troops so composed shall be selected men, and paid properly, and that discipline and subordination to their authority from all under them shall be duly enforced.

The "Reformed" portion of the Contingent, organised as already described, consists of (4) four Risalas of 401 men of all grades; and though it is not in all respects as efficient as might be desired, it is generally fairly spoken of, and under really good Native commandants, and with some further moderate improvements, would probably be found equal to the ordinary duties properly claimable from the force, if its employment were restricted to those duties, and the men and horses were protected against the harassing sort of miscellaneous work, on which the Contingent is now used, more or less, in all the Agencies, and the performance of much of which is altogether inconsistent with efficiency of the very lowest standard.

The Silledars and their Bargirs are included in the company formation, some of the most respectable of the body being selected for the subordinate class of officers, but, as already remarked, these get no extra pay, and possess no real authority or influence amongst their comrades.

The Silledars.

Amongst the Silledars are certain men styled "Mankaris," who would probably be unwilling to serve under such an organisation as that of the "Reformed Troops," and in the event of an extension of that organisation it would in such case be necessary to omit them therefrom. All other Silledars might, however, be included in it.

## II.—Equipment of the Force.

The personal equipment of the men will be referred to under the head of "Arms and Accoutrements."

## III.—Regular Monthly Payment of the Force.

So far as the Commission has been able to ascertain, the arrangements for the regular monthly payment of the Contingent are at present generally fair and efficient. Some officers who have written on the subject speak of delays in the issue of pay and deductions therefrom at the hands of various persons as being common. In one report reference is also made to the practice of *farming out* Pagahs, by which is probably meant the giving on contract the feeding of Pagadars' horses ridden by Bargirs, which is expressly forbidden in the rules of 1868. On these points no direct information has come to the knowledge of the Commission, but the general results of its inquiries on them has led to the conclusion that the authorised rate of pay is, as a rule, disbursed regularly and without deductions, except such as are made at the request or with the concurrence of the men.

The conversion of the Baroda currency in which the pay is issued into British currency, which is that in use where the Contingent is employed, involves some loss to the men, and some measure appears to be called for to relieve them therefrom.

### IV.—Arms and Accoutrements.

The ordinary equipments of the class of troops of which the Contingent is composed, though suited perhaps to the work on which they used to be employed in former times, cannot be said to meet adequately the requirements of the duty for which they are now maintained in the Tributary Mahals.

The men wear no uniform, and their turbans even are of different colours. Their arms are swords, matchlocks, or spears. The swords and spears might doubtless with a little attention be made efficient, but they are at present uncared for and in bad order. The matchlocks are quite worthless. The saddlery and horse appointments are after no fixed pattern, and the general appearance of horse and man is certainly ragged, and the reverse of soldierly.

All these points have, however, been fairly rectified in the Reformed Troops, and might, doubtless, be so in the rest of the force, if the Gaekwar would consent thereto.

The rules of 1868 referred to in the foregoing paragraphs may be regarded as illustrating, as far as they go, "the customs of the Gaekwar's Government," as modified by it to meet the requirements of the Contingent, and a copy of them will be found in the Appendix appertaining to this part of the Report.

50. Next, as to the measures and rules we would recommend for adoption, under the terms of the foregoing remarks, to render the force efficient for the purposes for which it is required.

### I.—Formation of the Force.

We have come to the conclusion, after an attentive perusal of the several opinions that have been recorded on this point, including the views of the Bombay Government as set forth in the despatch noted in the margin, that the formation of the Contingent into separate companies, as ordered in the rules of 1868, will best meet the difficulties connected with it, provided that the measure is carried out in a real and effective manner, by the selection of fit men for the superior and subordinate grades of officers, and the due enforcement of discipline and subordination amongst all ranks.

No. 31 T, dated 26th July 1873, to the Secretary to the Government of India.

The arrangements necessary for the distribution* of the Pagahs, so as to form them into companies, will require much consideration and discrimination, and it will be absolutely necessary, from the first, to have it clearly understood that no interference of any sort can be permitted on the part of Pagadars in respect of men or horses of their Pagahs serving in the companies of the Contingent, and that both, while so serving, will be wholly under the orders and control of the company commandant.

* Note.—The distribution of the Pagahs into companies, alleged to have been already carried out, will clearly require revision.

There will be less difficulty in embodying the Silledars in the manner proposed, but no man of this class should be enrolled in the companies who is not prepared to perform the duties of his grade, and to render full obedience to the officers placed over him.

Objection has been taken to the employment of Bargirs in the Contingent; but it appears to the Commission that such cannot be urged under the circumstances of the constitution of the force. If the company commandants do their duty, the Bargirs will be required to keep themselves and horses in a condition of efficiency.

The established complement of each company, as laid down in Section I. of the rules, appears to be in all respects suitable and to require no amendment, excepting perhaps the number of Jemadars, which might be reduced to two. A Karkun will be needed with each to keep the muster rolls and accounts, but he should be a non-effective, and not included in the effective complement of 100 men.

As regards the men and horses, no man or horse should be retained in the force that is not really efficient for the description of work required of both. Old or worn-out men should be discharged periodically, and a minimum age, as 18 years, laid down for new enrolments. Horses are not necessarily unfit for such service as

that required of the Contingent, because they are not of the Cavalry standard, but they should be strong and serviceable. In Kattywar, at the present time, the height of the horses is believed to be, generally, considerably below the Cavalry standard, but there will probably be no lack of hardworking and fairly serviceable animals of about $13\frac{3}{4}$ or 14 hands, and the former might be made the minimum height for new enrolments.

The horses should be subjected to periodical casting inspections, when all unfits from any cause should be cast and struck off.

Men once enrolled as Silledars in the Contingent should not be liable to removal or dismissal, except on special grounds justifying such a measure, of which the British officer under whom the force is serving should always be duly and fully informed beforehand.

## II.—The Regular Monthly Payment of the Force.

Two questions appear to call for consideration under this head:—

(1.) The rates of pay that should be fixed for each grade.
(2.) The arrangements for the punctual disbursement of pay.

(1.) Though the right of insisting on adequate rates of pay for the Contingent is not specially reserved to Government in the Treaty, its title to be satisfied that the rates are sufficient for the due efficiency of the force cannot, in the opinion of the Commission, be doubted.

The present rates are stated to be Babasai Rs. 35 and 10 for Silledars and Bargirs respectively in the Reformed Troops, and Babasai Rs. 29 and 8 similarly in the remainder of the force.

The necessity for an increase being made to the latter rates is strongly urged by every officer who has written on the subject, though Colonel Walker, the Superintendent of the Kattywar force, states that he does not consider that such is absolutely needed at the present moment. As, however, British Rs. 25 per mensem is the ordinary rate paid by most, if not all, of the Kattywar States which maintain sowars of a very low standard, it appears to us that Rs. 23. 9. 0., which is the equivalent in British currency of Babasai Rs. 29, is certainly less than the Contingent should receive.

On a full consideration of the present circumstances of the force, and the changes it is proposed to introduce into it—some of which will involve additional expense to the men—we are of opinion that the pay of each sowar and Bargir should be British Rs. 29 and 9 respectively per mensem. These rates are a little in excess of those now in force for the Reformed Troops and ought to suffice.

The pay of the officers and others should be in proportion to that fixed for the men, and we would suggest the rates noted in the margin as suitable.

| | |
|---|---|
| Subadar | Rs. 75 to 100. |
| Jemadar | 40 |
| Havildar | 35 |
| Naik | 32 |
| Standard-bearer | 32 |
| Nagarchi | 29 |
| Naobatti | 29 |
| Trumpeter | 29 |

(2.) As already stated, the present arrangements for the regular monthly payment of the Contingent appear to be generally fair and efficient. It will, however, be necessary under the proposed system, if adopted, that the pay of all Silledars and Bargirs in a company shall be disbursed in presence of the commandant, who shall certify to the same in the acquittance roll of the company.

The Commission is further of opinion that the pay of the Contingent should be issued in the British currency, which alone will secure the men from inconvenience and loss from exchange.

The necessary arrangements for the payment of the force might be made through the British local treasuries where it is employed, or through Native bankers, as is the common practice in the case of many British local corps.

## III.—Arms and Accoutrements.

The uniform, arms, and equipments generally of the Reformed Risalas appear to be suitable, and should, in the opinion of the Commission, be adopted for the whole force.

The arms consist of swords and carbines, and it might be desirable to add a spear in the case of a certain proportion of the force. The carbines should be provided by the State, as also the ammunition—service and practice—required for them.

The horse equipments should be all of the same description and pattern, but it is

quite unnecessary that they or the uniform and accoutrements should be of a costly character.

51. With regard to the details of discipline and the enforcements of subordination in the Contingent, the existing arrangements for the control of the force are generally alleged to be wholly inadequate, and it is clear that, without some change on this head, the proposed organisation will be defective on the most essential point.

(1.) It has been already explained that the head of the Contingent is the Sir Sooba, who is the Gaekwar's Minister and resides at Baroda. It would appear that, formerly, this office merged in that of the Senaputty, to whom the Soobas reported direct, and the Commission has no doubt that the change has had a mischievous result, by introducing a new and probably embarrassing element into the control arrangements of the force.

(2.) The Soobas, who are the nominal commandants of the chief divisions of the Contingent, have certain powers of fine and imprisonment, and can suspend Silledars and dismiss Bargirs; but their authority appears to be inadequate to the due enforcement of discipline and obedience amongst the men under their charge, and they are, it is alleged, checked and interfered with by the Karkuns attached to their offices, and are so dependent on Court influence at the capital, that they cannot always use the authority they possess in a proper and vigorous manner. Colonel Walker's report on this head, as regards the Sooba of the Kattywar portion of the force, is not unfavourable; but the correspondence before the Commission is conclusive as to the insufficiency of the Soobas' powers to maintain discipline in the force under their charge.

It appears to us that, if the organisation now proposed be adopted, it will be absolutely necessary for the Durbar to delegate to the Soobas larger powers than they now possess, and to require them to perform their duties with much more energy and attention than has heretofore been the practice.

(3.) We are further of opinion that, in the present condition of the Contingent, it will be hopeless to expect that the proposed organisation can be carried out in a way to satisfy the reasonable requirements of the case, without the immediate supervision and control of a British officer, specially nominated to that duty, for each division of the force, and associated with the Sooba in command, through whom it would be necessary for him to work The discharge and entertainment of men and horses, however, should, as regards the question of efficiency or otherwise, rest wholly with the Superintendent.

The employment of Superintendents, as thus suggested, is not altogether in accord with the views of all the officers who have written regarding the Contingent, and some of them are in favour of the force being directly controlled by and subordinate to the Political officers within whose district it is serving, without any such intermediate or intervening authority. Mr. Peile indeed proposes that as regards Kattywar the Superintendent should be the Personal Assistant of the Political Agent, but he would give the Political Assistants within whose districts the force is serving considerable powers over the men so employed within their limits.

It appears, however, to the Commission, in considering this part of the question, that it must be borne in mind that the Contingent is a "Gaekwari" force, and that it would be most distasteful to the Gaekwar's Government to have the men composing it subject to the sort of control proposed, at the hands of every local officer in whose district they happen to be serving. With an active Superintendent, who could devote the necessary time to the proper supervision of the portion of the Contingent under his control, and efficient commandants of companies, who would be located where they could most conveniently look after their men, it seems to us that there would be little necessity for the interference of the local Political officers with the internal economy or discipline of the portion of the force employed within their limits, though they would of course employ it as required, and might properly be left to deal with such matters as the location of the men, and the sanitary arrangements of their lines or huts, &c., and should bring to the notice of the Superintendent any points in connection with the men requiring attention or correction.

Whether the Superintendents, if appointed, should be directly under the orders of the Political Agents, as their Assistants, as proposed by Mr. Peile, or merely subject to their general authority in respect of the distribution and employment of the force, while they report to the Resident, when necessary, on all matters connected with its internal economy and discipline, is a point on which there is some difference of opinion. The former arrangement would undoubtedly strengthen the hands of the Political Agents, and be more convenient and agreeable to them, while the latter



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would of course be preferred by the Durbar, and would perhaps have the advantage of ensuring an uniformity of system in the proceedings of the Superintendents.

Looking to the practice elsewhere, it is not clear to us that the entire dependence of the Superintendents on the Political Agents is absolutely essential, and such an arrangement, under the peculiar circumstances of this force, might be open to objection.

(4.) The due mustering of the force is a most important question, and special precautions appear to be called for to ensure the maintenance and presence for duty of the full number of men that ought to be available under the Treaty. With this object, a nominal roll of each company should be prepared as soon as the formation of the company is completed, under the signature of the company commandant, and copies of the same should be furnished by the Soobas to the Superintendents, or the other British officers under whose control the force is employed, and be filed for record by them.

Musters should be taken and muster rolls prepared on the first day of each month, and copies of the same, signed as above, regularly furnished to the Superintendents, who would thus be kept informed of the state of each company. The duty on which every man absent from muster is employed should be clearly stated in the muster rolls.

Every detachment or detail from the head-quarters of a company should be furnished with a certificate from the officer commanding the company stating where and on what duty it is employed. This certificate should contain a nominal roll of the men composing such detachment; and the officer commanding the detachment should be prepared to produce it whenever required to do so by the Sooba or Superintendent, or the Political officer within whose district he is employed. With these precautions and occasional inspections by the Superintendents, the maintenance of the proper complement would, it is thought, be fairly kept under check.

52. Having thus submitted our views on the foregoing points, we deem it to be our duty to add that no permanent benefit can be looked for from the measures we have proposed without a complete and radical change in the present mode of employing the Contingent.

Complaints of the inefficient and non-military character of the force are made by almost every officer who has written on the subject, but many of the duties on which it is used are altogether inconsistent with efficiency in any shape, or of the very lowest standard.

It is unnecessary for us to enter here into any details on this point, but references thereto will be found in the letters which form an Appendix to this part of the Report. The mode of employment to which we allude has doubtless been the growth of circumstances. The Contingent has been at hand and has been freely used as exigency or occasion arose, but the result is that which now forms the subject of such general complaint and reproach.

According to our view, the reorganised Contingent should be employed solely on the ordinary duties that would devolve on local horse, or mounted police in the British service. It should be kept together as much as possible, in order to ensure proper supervision and a reasonable amount of discipline. Due care of the horses, arms, uniforms, and equipments should be systematically enforced. The locality of permanent posts should be fixed on, as much as possible, with reference to their central position, in respect of the work such posts may have to do, so as to avoid unnecessarily harassing the men and horses. Careful arrangements on this point, with a good system of patrolling, would probably render the employment of some, at least, of the present numerous detachments unnecessary.

The practice of using the Contingent sowars for carrying the dak and communications all over the country, for escort duties of every description, some of which greatly try both men and horses, and of allowing them to be employed by minor Native officials, should, we are of opinion, be forbidden. Such duties are unsuited and ruinous to mounted men, and, looking at the cost of maintenance of the latter, it is a waste of money and, material to employ them thereon. Colonel Walker supplies a statement of posts furnished by the Contingent, under Native officials who are paid by the Talukdars concerned, which he urges should be reduced, the employment of the Contingent on such duties being in future exceptional, instead of as at present a matter of course. It is no doubt very desirable that the practice of establishing such posts should be restricted as much as may be possible, but the Commission is not in a position to judge how far this may be practicable.

With a properly organised system of foot police in the several States concerned, the demands on the Contingent should be greatly reduced; and where the States maintain sowars themselves, we see no reason why they should not undertake with them some of the sort of work referred to above as unfitting for the Contingent, but which may yet, from local circumstances, require mounted men for their performance.

Efficiency of a soldierly or even police character is not looked for from establishments of the ordinary class maintained by the States, but the Contingent is expected to be at all times ready for any hard work or active service that may be required of it, and it appears to the Commission to be necessary to protect it as much as possible from any employment which is clearly inconsistent with such an expectation. The British officers in Kattywar, who are at times required to take the field against outlaws of the Wághirs and other desperate classes in that Peninsula, are stated to be chiefly dependent on the Contingent in their pursuit and suppression of these local pests, and it is clearly necessary that the men with whom they undertake this important duty shall be fairly efficient and trustworthy, and that, so far as may be practicable, the body generally shall be relieved from all duties which are admitted to be inconsistent with these essentials.

Lastly, with reference to the proposals that have been made for reforming a portion of the Contingent, and allowing the rest to remain as at present, for the performance of the miscellaneous class of duties to which we have taken objection, we beg to record our opinion that it will be far better to deal with the whole Contingent as a body in this matter, and to fix definitely for the future the standard of efficiency up to which the British Government decides that *the whole* must be brought.

That standard, if the measures proposed by us be approved and fairly carried out, will not be a high one, when regarded from a military point of view, but it should suffice for the purpose required.

53. With reference to para. 15 of your despatch No. 2209 P of the 19th September, we beg to state that we have no doubt that the adoption of our proposals will render the employment in the Tributary Mahals of so large a force as the full strength of the Contingent unnecessary, and that we have reason to believe that 2,000 men, if so reformed, would probably be equal to, or somewhat in excess of, the actual requirements of these districts under this head. Should this prove to be the case, a very large reduction of the force would be practicable, and the conversion of a portion of it into foot police, if required for the administration of the districts, might undoubtedly be effected with a large saving to the Gaekwar's Government.

The Commission is not in possession of the information needed to enable it to submit an accurate opinion as to the number of foot police that would probably be required in the above event; but, if the several States concerned are compelled to perform their duty as regards their own territory, it is not probable that any very large force would be needed, and the cost would certainly be far less than the amount of saving that might be effected by the reduction of the Contingent.

The necessity for a foot police, in part substitution of the existing Contingent arrangements, would probably be confined to the Agencies noted in the margin. From the report of the Political Superintendent of Pahlanpur, it would appear that 150 men would suffice for his charge, and a like number would, it is believed, meet the requirements of the Rewa Kanta Agency. If these figures be correct, an aggregate of 500 men would probably be ample for the three Agencies. The Commission cannot, however, say that so large a number will be needed, and it thinks that such might not be the case, if the obligation to maintain their own foot police were duly enforced in the States of these Agencies.

Pahlanpur, Mahi Kanta, Rewa Kanta.

54. The foregoing proposals have been framed in accordance with the instructions conveyed in your despatch of 19th September last, on the understanding that the existing engagements regarding the Contingent are to remain in force; but we are well aware, from the whole of the circumstances which have come before us in connection with this subject, of the serious character of the difficulties that will be experienced in working out those proposals and giving them a fair trial, and that, if adopted, many causes may conspire to prevent their proving successful.

The traditions connected with the Contingent for the last 50 years and upwards

are not hopeful on this point. It has been the subject of endless correspondence and disagreement, and considering the original constitution of the force and the nature of the service required of it in the Tributary Mahals, it ought perhaps to be no matter of surprise that this has been the case.

Though, therefore, we have proposed the measures that appear to us, after the fullest consideration, to be the most suitable for adoption under the existing engagements, we deem it to be our duty to submit, for the consideration of His Excellency in Council, that it would in our opinion be far preferable, under all the circumstances, to endeavour to obtain a revision of these engagements, with the view of substituting for them an arrangement which would relieve the Gaekwar's Government altogether from its present obligations in respect of the Contingent, and furnish the means for the maintenance, under the direct orders of the British Government, of such a police force as would meet the real requirements of the Tributary Mahals on the points hitherto provided for, or supposed to be provided for, by the Contingent.

Such an arrangement would, the Commission feels assured, be advantageous alike to both Governments, and it would remove finally a fruitful and endless cause of dispute and disagreement, which cannot be set at rest in any other way.

To obviate the necessity for the dismissal of the large body of men now composing the Contingent, that would in such event have to be dealt with, any of them found fit for service might be retained for employment in the police force that would have to be raised under the new arrangements, and the remainder, who would be recalled to Baroda when no longer required in the Tributary Mahals, might be gradually absorbed into the other State establishments there, or otherwise disposed of as the Gaekwar's Government might think proper. No doubt many of the men, who are old and nearly worn out would be glad to accept a fair sum as gratuity on retirement, and by this and other means the cost of the measure might, it is thought, be brought within limits which would not exceed the present charges borne by His Highness' Government on account of the Contingent.

55. Having brought our labours to a conclusion, we venture to express our earnest hope that the results of our inquiries, though not—owing to the peculiar circumstances of the case—of so decided and satisfactory a character as we should ourselves have desired, will yet prove sufficient to enable the Government of India to take such action on the questions at issue as may in its opinion be called for, in the interests of His Highness the Gaekwar and his people, and for the due settlement of the long standing disagreement regarding the Contingent.

We have, &c.,

R. J. MEADE, President.
E. W. RAVENSCROFT,
NAWAB FAIZ ALI KHAN BAHADOOR, } Members.
A. T. ETHERIDGE,

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## APPENDIX A.

CASES inquired into by COMMISSION; with their FINAL DECISION thereon.

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### SCHEDULE I.

#### CASE No. 4.

COMPLAINT of SADAK ALI MADDAT ALI, Camel Contractor of Ahmedabad, a British subject.

THE complainant was employed by the late Gaekwar Khunderao for some years as a contractor for supplying camels to the Pagah and military establishments, and at the time of that chief's demise had 122 camels so employed. Subsequent to that event he was required to pay a sum of Rs. 800 to the then Dewan as a Nazarana, and as a difficulty arose about his paying the full amount, and the Dewan was informed he had abused his Karkun, his establishment, consisting at the time of 94 camels, was attached and confiscated, together with some carts and bullocks, his private property. This was about seven months after Khunderao's death, or about May 1871. Complainant petitioned the Resident and the Bombay authorities, but could get no redress. About five or six months after the attachment of his establishment, or about October or November 1871, he was seized and imprisoned by order of the Dewan, who, a few days after, had him brought handcuffed to his house at night, and directed him to give a receipt in full for all arrears

due to him, and to sign a statement that he had no complaint to make to the British Government against that of the Gaekwar. On complainant's demurring to sign such papers, the Dewan ordered the men, in whose charge he was, to compel him to do so, whereupon they tied a rope to his handcuffs, and fastening it to the roof pulled him up by the wrists, when he swung round, and fell to the ground, breaking his right arm. He was then taken back to jail, where he remained six weeks, when he was released on his wife petitioning the Resident, after signing a bond for Rs. 200, not to go near the palace, the Dewan's house, and the Pagah head-quarters. On his release complainant petitioned the Resident, by whose order some five or six months afterwards the Assistant Resident inquired into his case, and after an investigation of it directed the payment of the arrears, Rs. 3,000, due to him, and the restitution of his property. Complainant claimed a further sum of Rs. 7,000 as compensation for the loss and injury he had sustained, but the Assistant Resident referred him to the Resident regarding it. The Assistant Resident's order was objected to by the Durbar, and after some days the Resident told him he was to get nothing.

Subsequently, hearing that he was to be arrested, complainant went to Bombay, where he remained for six months. On his return to Baroda he found that a "rath" (native bullock carriage) of his, worth Rs. 260, had been sold during his absence by order of the Durbar for Rs. 8. Complainant has hitherto failed to obtain any redress or compensation from the Durbar.

2. The complainant produces three witnesses in support of his case. The first, who was in his service when his establishment was attached, and had known him for 15 years, states that his arm was all right when he was imprisoned, some ten months after Khunderao's death, that he used to lift up weights, &c., but that he did not know what was under his sleeve. (2) The second, who was also in his service up to the same period, states that he was imprisoned two months after Khunderao's death, that his arm had been broken two years previously by the bite of a camel, but that he had not witnessed the occurrence ; that he had seen the broken arm before the complainant's imprisonment, and that he was in the habit of wearing an iron splint on it. (3) The third, who states that he was in jail, on a charge of murder two and a half years ago, with the complainant, deposes that his arm was all right when he came there, and for some days afterwards, and that he used it in the ordinary way; that he was taken away by sepoys one evening, and on his return three hours afterwards was put into a separate cell, the other prisoners being forbidden to notice him. He called out as if in pain, and afterwards pointed to his arm, as if suffering from it, but deponent, though in prison with him for 20 or 22 days after this occurrence, did not know what injury had happened to him.

3. The Durbar agent, in his remarks on this case, denies that the complainant is entitled to protection as a British subject, his residence in Baroda previous to his imprisonment having exceeded six months.

He further states that complainant owed Rs. 400 to the State, which he was called on by the Khas Pagah Karkun to settle, and that on his threatening to beat the latter he was taken to the Naib Dewan, and ordered to be bound over to keep the peace. As he would not furnish security he was detained in the police station (chabutra) for a month and 20 days, when he was released. He was subjected to no ill-treatment. From the station descriptive roll of prisoners it appears, the Durbar agent adds, that he had sustained the injury to his arm before his imprisonment. The Resident, Colonel Shortt, did not mention to the Durbar that such injury had occurred in the jail. With reference to the Durbar's statement to Colonel Phayre that the complainant had not been put in jail, the agent suggests that a mistake may have been made at the time of writing to that effect, or that there was a misconception regarding the word used, the man having been confined in the police "chabutra," and not imprisoned in the jail. The statement was made on the report of the Karkun.

The agent further produces at the request of the Commission the descriptive roll of prisoners confined in the chabutra referred to in his preceding remarks, which on inspection is found to contain the usual record of the complainant's committal on the 22nd April 1872. In the column of "Description of the prisoners" is the remark noted in the margin in a separate line by itself at the foot of the entry. This line appears to the Commission to be written in a different hand and at a different time from the rest of the record in that column, and on the circumstance being pointed out to the Durbar agent, he admits that it is so open to suspicion as a subsequent entry, that he requests permission to withdraw the register as evidence on the point.

"On his right arm is an injury."

4. Dr. Seward, Residency surgeon, having carefully examined the complainant's injured arm, deposes before the Commission that he is satisfied that the injury could not have been caused by the bite of a camel, that he is of opinion that the complainant's account of the manner in which it took place is a true one, and that the injury must have occurred at least 18 months ago.

5. The only documents connected with this case forthcoming in the Residency records are (1) a Durbar yad, dated 15th August 1872, replying to one from the Resident, dated 11th May 1872, forwarding a petition from complainant's wife regarding his imprisonment. No allusion was made in any of these papers to complainant's arm having been injured. The Durbar yad states the views of the Government as to complainant's claims and the proceedings that had been taken towards him, and remarks that he had been required to give security in consequence of having used threatening language towards the Pagah officers, *but had not been imprisoned;* and (2) a petition from Sadak Ali to the Resident, dated 11th November 1872, with a précis of the same prepared in the Residency Office, endorsed by the Resident, Colonel Shortt, and signed by him. This petition gives a full detail of complainant's grievances, and states the circumstances under which his arm was broken from the ill-treatment to which he alleged he had been subjected.

The Resident's endorsement is to this effect—"A verbal answer was given to the petitioner by the Resident on the 16th November 1872, that his petition was returned."

6. In consequence of the conflicting statements regarding the injury to the complainant's arm, the Commission deemed it desirable to refer to Captain Hancock, the Assistant Resident, who is alleged by Sadak Ali to have investigated his complaint by order of the Resident, and to have awarded him Rs. 3,000 as the balance due to him by the Durbar. In his reply dated 20th December 1873, which will be found in the file of the case, Captain Hancock states that the complainant's claims were referred to him by the Resident for report, and that he made out the account showing a small amount in favour of Sadak Ali. The Resident, however, did not accept his award, and subsequently continued the investigation himself, *deciding eventually against the complainant.* At the time of the inquiry held by him (Captain Hancock), *no mention was made by complainant of his arm having been broken or other torture having been practised on him by the Durbar officials, and it formed no part of his complaint.*

7. In his final letter on this case, dated 27th December 1873, the Resident reviews the whole of the circumstances connected with it, and urges that the complainant's charge of ill-treatment has been fully established.

## General Observations and Opinion of the Commission.

I. The complainant, though warned by the Resident to produce adequate proof of his being a British subject, has not brought forward any evidence on the point. The Resident has, however, expressed his full belief that he was so when he came to Baroda, and the Commission accepts his view on this head, and admits the complaint as appertaining to Schedule I., and to be dealt with by it accordingly.

II. The grievance of the complainant consists (1) of the attachment of his establishment and personal property, and the nonpayment of the arrears he claims; and (2) of the personal injury sustained by him at the hands of the Durbar officials.

With regard to the former, the Commission considers that a British subject who enters the service of a Native Chief has ordinarily no title to the protection of the British Government in respect of transactions connected with or arising out of such service, and there is nothing of so special a character in this part of the complainant's case as to call for exceptional treatment in this respect at its hands. It therefore declines to enter into any inquiry regarding Sadak Ali's pecuniary claims against the Durbar.

With regard to the latter it is not clear that British subjects, circumstanced as the complainant was at the time of the alleged personal ill-treatment to which he states he was subjected, have a valid claim to the *official* protection of the British authorities against the Durbar, at the hands of whose servants such ill-treatment may occur. In this case, Sadak Ali had been for several years in the service of the Baroda State, and the Durbar appears to have had good ground for regarding him as one of its own subjects, or at least of being equally amenable with the latter to its jurisdiction in respect of his conduct as a servant of the State, or of any proceedings or property of his within Baroda limits. Looking, however, to the objects of its assembly, the Commission has no hesitation in deciding that this part of the complainant's grievance should form the subject of inquiry by it under the terms of paragraph 5 of the letter noted in the margin, and it therefore proceeds to consider the same accordingly.

From Government of India to Government of Bombay, No. 2209 P, dated 19th September 1873.

III. The complainant alleges that a very serious personal injury, involving the fracture of his right arm, the bones of which still remain separated, and can never now be reunited, was inflicted on him under circumstances of cruel violence by certain Durbar servants when he was handcuffed and helpless in their power.

IV. The police chabutra register that has been produced fixes the date of the alleged injury at about the end of April 1872, as it shows that he was received at the station on the 22nd of that month, and Sadak Ali asserts that he was ill-treated, as described, seven days afterwards.

On the 11th May the Resident addressed a yad to the Durbar regarding his imprisonment, in reference to a petition from his wife on the subject, and in its reply dated 15th August, or three months later, the Durbar explained the case, and denied that he had been imprisoned.

V. Meanwhile, or about the 11th June, according to the complainant's and the Durbar statements before the Commission of the duration of his confinement, Sadak Ali was released, and he at once petitioned the Resident for redress as to his pecuniary claims, but appears to have made no reference to the ill-treatment he had suffered. His claim was transferred by the Resident to his Assistant for inquiry, and after investigation by him, in the course of which the Fouzdar and his Karkun are admitted by the complainant to have been present, a small amount was awarded as being due to him from the Durbar, the matter of the injury to his arm never having been alluded to by the complainant during such investigation. The Resident, however, did not concur in this decision of his Assistant, and took the case into his own hands, and ultimately, apparently, refused to interfere.

VI. Up to this time, November 1872, no mention appears to have been made by complainant of the injury to his arm, but on the 11th of that month he addressed a petition to the Resident, in which, amongst his other grievances, he for the first time brought it forward. On the 16th of the same month the Resident informed complainant verbally that his petition was returned, *i.e.* that his complaint was dismissed, and an endorsement to this effect was recorded on the Residency Office précis of the petition. It is much to be regretted that the proceedings of the Resident's Assistant in the investigation of the case held by him are not forthcoming, but they cannot be traced.

VII. The evidence adduced by complainant before the Commission in support of the alleged injury to his arm, as described by him, is conflicting. Of two witnesses examined, both formerly in his service, one states that his arm was all right when he was imprisoned, while the other alleges that it had been broken two years previously by the bite of a camel, and that he had been in the habit of wearing an iron splint on it. A third witness who was in jail with him deposes that he used his arm in the ordinary way when he came to jail, but that after his return, when taken away for three hours some nights afterwards, he called out as if in pain, and used to point to his arm. This witness, though confined for 20 or 22 days with complainant, did not, however, know *what injury* had happened to him.

VIII. The evidence of the Residency surgeon is opposed to the idea of the injury having been caused by the bite of a camel, and is favourable to the complainant's account of the manner in which he alleges it occurred, but is of course inconclusive on the latter point.

IX. The evidence offered by the Durbar in proof of the complainant's arm having been injured when he was admitted to the police chabutra, viz., the record of the fact in the station register, would have been conclusive on the point, if trustworthy, but the Commission is satisfied that the entry was not an original one, and it is compelled to concur with the Resident that it was probably made recently with an intention to deceive the Commission.

X. If this view be correct, the fact of no note of the complainant's arm being injured when admitted having been made in the descriptive column is undoubtedly strongly in support of his assertion that it was then sound, but the Commission, while giving every weight to this important point, feels itself absolutely unable to reconcile his statement of the injury with his silence regarding it for so many months, and under circumstances which gave him full opportunity and furnished the strongest inducements for his bringing it forward and making the most of it. Further, looking to the fact that his case was inquired into by the then Resident, when the real truth was more likely to be got at than at the present time, and that he dismissed it, the Commission cannot accept that statement as having been so clearly established as to entitle him now to compensation at its hands, for the injury, from the Durbar.

XI. It is, in the opinion of the Commission, quite possible that the complainant's arm was previously broken or seriously injured, and that the rough treatment to which he was probably subjected aggravated such injury, but his statement, as it stands, does not appear to it to be altogether credible under the circumstances.

XII. It seems to be proper before closing these remarks that the Commission should record its opinion that the Durbar's explanation of its denial, in its yad of 15th August 1872, of the complainant's imprisonment *at all* by it is not satisfactory, and when considered with what appears to have been, so far as can be judged, an attempt to impose on the Commission by a false entry in the police station register, and some other instances that have come to notice, that there is grave ground for the doubts expressed by the Resident as to the trustworthiness of the Durbar's statements and documents in matters in which it has an interest in suppressing the facts.

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### Case No. 5.

### Nathuva Tislo, Resident of the Rewa Kanta.

This case is referred to by the Resident in his correspondence with the Bombay Government, viz.:—

Letter No. 144–756, dated 18th August 1873 (paragraphs 2 and 3), and is one of the three cases whose thorough investigation by the Commission is specially ordered in paragraph 5 of letter from the Government of India to the Government of Bombay, No. 2209 P, dated 29th September 1873.

1. The circumstances of this case, as brought forward by the Resident, are set forth in the schedule, and in the Resident's letter dated 31st December 1873, which will be found in the file of the case.

2. Owing to the non-attendance of the complainant from alleged sickness, as deposed to by his father Tislo Govinda, and one Shankar Laldas, the Commission has been unable to inquire into his grievance, which consists (1) of his having been unjustly seized and sentenced to seven years' imprisonment on the alleged offence of defiling a shrine of Mahadeo, near Atarsumba, the head-quarters of one of the Gaekwar's Mahals; and (2) of the Vahivatdar's having extorted certain sums from himself and his father for his release, notwithstanding the payment of which the complainant was again irregularly apprehended and sent to Baroda, where a further sum was demanded from him, and though its payment was arranged for by his father, he was sentenced to imprisonment for seven years, and remained in jail till released at the instance of the Resident.

3. The Durbar agent's review of this case will be found in the file. It appears from it that the complainant was charged with entering the temple disguised, and thereby—he being a chumar—defiling the shrine, and that he was sentenced to rigorous imprisonment for seven years by the Maharaja's orders, after consideration of the circumstances as reported by the Vahivatdar.

4. The Resident challenges the correctness of the Durbar's statement of the case on all the important points at issue, in his *final letter* dated 31st December 1873.

GENERAL OBSERVATIONS AND OPINION OF THE COMMISSION.

I. In the absence* of the principal in this case the Commission is not in a position to pass a trustworthy judgment as to its real merits, but as it is one of the cases ordered by the Government of India to be thoroughly investigated, it deems it right to record the following remarks on it:—

*NOTE.—At the request of the Commission inquiries were made by the Resident as to the possibility of the complainant's coming to Baroda to state his case, but no further information has been obtained on this point.

II. As regards the alleged grounds on which the complainant was originally seized, the Commission has no doubt that he must have been, to some extent at least, guilty of the offence charged against him, as it is quite unable to conceive that such a procedure would be taken absolutely without cause towards a man in his position, merely with the object of extorting money from his father, who did not even reside within the Gaekwar's jurisdiction.

III. Under this view of the case, the Durbar appears to have been fully justified in apprehending and punishing the complainant for what was undoubtedly, if committed, a very serious offence against the law in a Hindu State, and all that can, in the opinion of the Commission, be considered in its proceeding on this head is, that the sentence was unnecessarily severe, and indicative of an intolerant spirit on the part of the Chief or the Durbar.

IV. As regards the alleged extortion of money from the complainant and his father by the Vahivatdar of Atarsumba, the Durbar agent declared that a full inquiry into the charge should be made, as soon as the complainant's father attended with his witnesses to give evidence in it. The Resident states that the complainant's father was sent to the Durbar with one of his communications in the case, but the agent was positive that he had not attended, and the Commission thinks it not improbable that he would have endeavoured to avoid the transfer of his complaint from the Residency to the Durbar. Assuming, however, that the money was demanded and paid as stated, it would appear that it was so, without the knowledge of the Durbar, to obtain the release of the prisoner on bail pending the receipt of orders on the case from Baroda, to which place the circumstances seem to have been reported, as the subsequent re-apprehension and despatch of the complainant there, were clearly made under orders from the Durbar.

V. As regards the alleged further demand of Rs. 300 made for the release of complainant after being imprisoned at Baroda, and for which his father states he made arrangements, there is nothing to show that the Durbar was in any way cognizant of or concerned in the circumstance, and the fair inference is that it was not so.

VI. On a full consideration of the circumstances as thus glanced at, the Commission is not prepared to condemn the Durbar's proceedings in treating the complainant as an offender on the ground stated by it, and it considers that it was competent to punish him, if the crime with which he stood charged was proved to its satisfaction. The sentence passed on him was, however, altogether excessive, and severe beyond all reason. There is nothing to show that the Durbar was in any way a party to the alleged extortion of money by its local officials in this case, and it should, in the opinion of the Commission, be enabled to inquire into the allegations on that head by the attendance for the purpose, under special arrangements by the Resident, of the complainant and his witnesses, when, if proved, the refund of the money and the punishment of the delinquents would doubtless be secured.

The alleged irregular apprehension of the complainant within the jurisdiction of the Mahi Kanta Agency, and his being taken into the Baroda territory and there dealt with as described, appears to the Commission to be a matter for inquiry by the Political Agent, who is fully competent to dispose of such a case. It is, however, to be observed that the man appears to have accompanied his bail, a private individual, across the frontier of his own accord and free will, and that there is no mention of any Durbar official having been concerned in the concurrence.

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## CASE NO. 9.

### COMPLAINT of MANEKLAL VITHAL, Goldsmith of Ahmedabad.

The case of this complainant is referred to by the Resident in his letter to the Bombay Government, No. 144–750, dated 18th August 1873 (paragraph 4), and is one of those whose thorough investigation by the Commission is ordered in letter from the Government of India to the Government of Bombay, No. 2209 P, dated 29th September 1873 (paragraph 5).

1. The complainant's grievance is that, when at Baroda, some ten months ago, about February 1873, he was falsely accused by his cousin, one Amrutlal, who lives there, of having written to his brother at Ahmedabad, that the said Amrutlal's daughter, Ganga, had gone to the Maharaja, and that he (Amrutlal) would be turned out of caste. Amrutlal brought 10 or 12 witnesses to prove his statement. Complainant was asked if he had written the letter, and denied having done so. He was induced to show his handwriting, and gave a specimen of it. A few days later he was informed that he had been sentenced to 14 years' imprisonment, and was taken to jail. After being four or four and a half months in jail he was released at the instance of the Resident. He declares that he never wrote the letter which formed the ground of the charge against him.

2. The original proceedings and other papers connected with the complainant's trial and his case are produced by the Resident, to whom they were furnished by the Durbar, and it appears from them that the sentence passed on him was *one* and not 14 years' imprisonment. Amongst the papers is one purporting to be a confession of the complainant of his having written the letter

in question bearing his signature, which he alleges to be a forgery. The Commission, however, after a careful comparison of this with his other signature, is not at all satisfied that it is so, and is, on the contrary, rather of opinion that it is genuine.

3. The Durbar agent urges that the complainant has no claim to the protection of the British authorities as a British subject, and states that he is a subject of Baroda, as can be proved from a reference to the census papers of 1872, and from his having paid the assessment on his house at Baroda, as well as by other evidence. He adds that the depositions of the witnesses were taken in complainant's presence, and that the signature he denies was his, and was made by him voluntarily. The sentence passed on him was one year's imprisonment, and to find security of Rs. 200 not to repeat the offence.

4. The Resident, in his final remarks on this case, dated 2nd January 1874, questions the genuineness and trustworthiness of the original proceedings in it produced by the Durbar as having been held by it, and urges that the complainant is entitled to protection and redress as a "British subject," and that whether he be the latter or not, he is still entitled to the protection of the British Government against the oppressive action of the Durbar Court.

### General Observations and Opinion of the Commission.

I. The Commission has given full consideration to the complainant's statement and the observations of the Durbar agent and the Resident respectively in this case, and as it is clearly of opinion that there is no sufficient ground for its interference in the matter at all, unless the complainant is clearly entitled to protection as a British subject, it has deemed it necessary to form its own judgment on that point in the first instance.

II. It appears from the Durbar agent's statement and the complainant's own admission before the Commission, that the latter's grandfather and father were subjects of, and in the service of, the Baroda State, and that the complainant himself was born at and resided in Baroda till he was four or five years of age. He then went to live at Ahmedabad with his mother, but retained his father's house at Baroda, and has continued to pay the customary rates for it and to occupy it whenever he has revisited the place, which, by his own account, he has been in the habit of doing for a few months at a time, though his chief and permanent residence has been at Ahmedabad.

III. Under these circumstances, it appears to the Commission that the Durbar was justified in regarding the complainant as being amenable to its laws for any offence committed against them, and for which he might be apprehended while within Baroda limits; and it is unable to call in question its full power and authority to act in accordance with that view.

IV. With respect to the offence with which complainant was charged and the sentence passed on him, the proceedings of the case, furnished by the Durbar, cannot, in the judgment of the Commission, be called in question by it, and it could not, it considers, with propriety, under such circumstances, proceed to a re-investigation of the charge on which the complainant has been condemned.

V. The sentence of one year's imprisonment and the demand of Rs. 200 security not to repeat the offence, recorded in those proceedings, though doubtless severe, are not so excessive in a case of this nature as, in the opinion of the Commission, to call for any special interference on its part in the complainant's favour; but it will be quite proper for the Resident to request the Durbar to send the complainant to his office when the term of his sentence has expired.

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### Case No. 10.

Complaint of Parbhudas Parshotan, resident of Nariad, Kaira District, a British Subject.

Complainant's grievance consists of his having, when residing with his uncle (with whom he had been for four or five months) in the Patan Mahal, been seized on a charge of theft, and taken by the Fouzdar to the Thana, where he was tied up with his hands behind his back and told to confess by the Karkun. He was thus treated on the morning and evening of two days; and on the evening of the second day was struck four times with a tamarind stick, when he became faint, and was released and allowed to go home. Complainant adds that the case has been inquired into by the Durbar, and that he only wants to have justice done to him, and to be allowed to return to his house.

2. The Durbar agent states that a preliminary inquiry has been already held in this and some other similar cases against the Fouzdar, Fatteh Ram, that they consider the charges preferred against him to be proved, and that he is now awaiting sentence, the punishment to be awarded to him being under consideration.

3. From the Resident's final statement in this case, dated 2nd January 1874, it appears that the Fouzdar who committed the offence has been punished (the Commission was verbally informed, before leaving Baroda, that he had been removed from office and sentenced to two years' imprisonment), and Rs. 28 have been given to the complainant as compensation for the ill-treatment he received.

### Opinion of the Commission.

The Commission is of opinion that the punishment of the Fouzdar is suitable, but that it will be further proper to inform the Durbar that he should not be re-employed in its service in any

similar capacity. The compensation paid to the complainant appears to be insufficient, and should not have been less than Rs. 100 at the lowest, which sum might with propriety have been levied from the Fouzdar as a fine.

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CASES 12 AND 13.

COMPLAINTS of NARANGI, wife of VITHOBA, and SALU, wife of GHANU, residents formerly of Khanwal and Sakarpa respectively, in the Ratnagari District.

The case of these complainants is not referred to by the Resident in any of his letters to Government, and appears only to have come to his knowledge shortly before the Commission left Baroda. The women in both cases are British subjects, having, until they came to Baroda, a little more than two years ago, always resided in the Ratnagiri Collectorate. Their case, therefore, is classed under Schedule I. amongst those referred to by the Government of India in paragraph 5 of their letter to the Government of Bombay, No. 2209 P, dated 29th September 1873, though it is not clear that it altogether falls within the scope and intention of that paragraph.

1. The first complainant's grievance is as follows:—She states that about 2½ years ago she was enticed away from her husband's house in the Ratnagiri Collectorate by some servants of Nana Sahib, His Highness the Gaekwar's Minister, who, it should be mentioned, is a native of that part of the country; that on arrival at Baroda she went to live with Nana Sahib as his mistress; that after some time she went voluntarily to serve in the Rani's palace, but the duties were distasteful to her; that after serving for four or five months in the Palace she was confined in the chabutra, or lock-up, for 1½ months, and subsequently for 1½ years in jail, because she did not, in answer to the Gaekwar's question, give any information relative to an intrigue between the Raholkar and the Rani; that when in jail she was twice flogged for some petty offence, receiving four cuts on the back from a cane, other women also having been flogged in her presence; and finally, that on the occasion of the last eclipse of the moon, in November, she was unconditionally released, since which time she has obtained her living by grinding corn and other daily labour.

2. The second complainant's grievance is as follows:—She states that she was seduced from her home by some servants of Nana Sahib, the Minister, who, promising her jewels and clothes, induced her to leave her mother's house; that on arriving at Baroda she went to live with Nana Sahib as his wife, when the child she was carrying in her arms, when examined by the Commission, was begotten; that, some little time after, she was taken by Nana Sahib to the palace, and forced against her will to become a "Loundi" or domestic slave under the orders of the Rani; that after serving about five months she was sent first to the "chabutra" or lock-up, where she was confined for 1½ months, and subsequently to the jail, where she was confined for 1½ years, presumably because she could not or would not answer satisfactorily questions put to her by the Gaekwar relative to an alleged intrigue between one Balwuntrao Raholkar and the wife of His Highness; that when in jail she was once flogged, receiving four cuts on the back from a cane for some petty offence, and that on two or three occasions other women had been flogged in like manner in her presence; and finally, that she had been released from prison unconditionally, and not compelled to return to serve as a "Loundi," on the occasion of the eclipse in November last, since when she had obtained her living by grinding corn and daily labour.

3. The Durbar agents state that these women were not seduced from their homes as they allege, but came to Baroda of their own accord in search of employment; that they applied to Nana Sahib, the Minister, who engaged them for service in the Rani's palace, where they received food and clothing, and were otherwise well treated; that when in service they were guilty of theft, and were on this account sent to prison, from which they were released on the occasion of the eclipse in November last as an act of clemency. As regards the alleged flogging of the complainants while in jail, the Durbar agents state that no complaint was ever made to the Durbar on the subject; that the practice of flogging women in jail, if it exists, is contrary to the orders in force, and that inquiries will be at once instituted to ascertain if such is the case. Complainant No. 13, while in jail, was allowed milk and extra rations, in consequence of having given birth to a child while imprisoned.

4. The Resident's remarks on the case of the complainants will be found in his final statement on the seizure of respectable women to serve as "Loundis" in the palace, appended to the file of that case, Schedule II., No. 40.

GENERAL OBSERVATIONS AND OPINION OF THE COMMISSION.

I. The Commission has given due consideration to the Resident's views on these cases, but finds itself unable to adopt them in the manner desired by him.

II. If the tale of the complainants is true, it is clear that they came to Baroda entirely of their own accord, and that they have absolutely no case on that score calling for redress at the hands of the Commission. It is, however, quite within the Resident's power to have their case brought to the notice of the Magistrate of Ratnagiri, who can, at the instance of their husbands, if they desire it, deal with the enticement of these women from their homes as an offence under the Penal Code.

III. With regard to the allegation of the second complainant of enforced service as a Loundi at the Palace, her bare statement of the fact can hardly, under the circumstances, be accepted as proof of any compulsion having been used towards her in the matter, while the first complainant states that she went voluntarily to serve in the Palace.

IV. Next, with reference to the imprisonment of the complainants, and the different versions of the grounds therefor given by them and the Durbar agents, the Commission deems it unnecessary for it to enter into any further investigation with the object of eliciting the facts. Such a course could not possibly lead to any conclusive or satisfactory results, and the release of the complainants two months ago makes it now needless.

V. Finally, it appears to the Commission that if these women were really "Loundis" in the Palace, as that class is ordinarily regarded in the households of Native Chiefs, they would never have been sent to jail for such offences as those stated by themselves and the Durbar agent, and afterwards released absolutely, as they ultimately were, but would have been punished within the limits of the palace itself. The Commission cannot therefore consider that they were really Loundis in the sense of domestic slaves.

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## SCHEDULE II.

### Case No. 1.

### Grievances of the Sardars and Military Classes of the Baroda State.

The grievances of these classes were referred to by the Resident in his correspondence with the Bombay Government as follows:—

(1.) Letter No. 103–552, dated 25th June 1873 (paragraph 6 and translation of petition enclosed).
(2.) Letter No. 107–573, dated 28th June 1873 (paragraphs 3 to 6).
(3.) Letter No. 146–762, dated 19th August 1873 (paragraphs 2 to 8 inclusive).

### Summary of the Complaints of the Sardars and Military Classes, with the Opinion of the Commission on each.

I. The complainants in the Cases No. 1 to 6 (the Pandare and Ghorpare sardars) have no personal grievance. Their pay is in arrears for the past two years, owing to their refusal to receive it, in consequence of the reduction of certain of the lesser Silledars, for whose permanent maintenance by the Gaekwar they allege they had received guarantees at the request of the late Gaekwar at Kapura in 1858.

II. The complainants in the six cases noted in the margin have had their grievances against the present Gaekwar adjusted, and state that they have now no complaints to make.

Nos. 10, 26, 27, 28, 31, and 34.

III. Of the remaining 28 cases of grievance that have been preferred before the Commission, the following, 11 in number—Nos. 7, 8, 9, 22, 23, 25, 29, 32, 33, 39, 40,—originated altogether in the time of the late and previous Gaekwars, and any complaints in connection therewith against the present Chief have been adjusted by him, and are withdrawn.

No. 7 complains that he was deprived by the late Chief of the management of the Purgunna of Saoli, which he claims to have held in Jaghir. The Durbar asserts that his tenure of the Purgunna was a mere yearly lease, with an assignment of a fixed portion of its revenues as part of his service allowances, and adds that on resumption of the Purgunna a special grant of Rs. 10,000 annually was made to him in lieu of the said management. The perusal of the so-called Sanads produced by the complainant appears to the Commission to support the Durbar's explanation of the nature of the terms on which the management of the Purgunna was originally assigned to him in 1818, and subsequently renewed, as shown in a similar grant of 1835 produced by the complainant.

The Commission does not feel called on to record an opinion on the proceedings complained of.

No. 8 has made contradictory statements, which leave it doubtful how his case really stands, but his grievances, such as they are, date from the reign of the late Gaekwar, who, so far as the Commission can form an opinion on a case, which is stated to have occurred 11 years ago, appears to have acted towards him in a harsh and arbitrary manner, though quite in accordance with the then existing and previous practice on the point in force in the State. The complainant admits that the present Chief has restored to him a village of the annual value of Rs. 14,000, which formed part of the property alleged to have been confiscated by his predecessor.

No. 9 complains that a reduction of 25 sowars, and the resumption of three villages and the management of the Kheiralu Purgunna, were enforced against him by the late Gaekwar in 1868, but admits that a cash grant of Rs. 10,000 annually was made to him in lieu of the said Purgunna, which is still continued to him, together with cash allowances to the amount of Rs. 67,000 annually. He adds that these allowances are in arrears for two years, owing to his refusal to receive them on the same ground as that assigned by No. 1 to 6.

The case does not appear to be one calling for the record of an opinion from the Commission.

No. 22. The complaint in this case is against the action of the late and preceding Gaekwars, who in 1854 and 1867 confiscated—

| | Rs. |
|---|---|
| Two Inam villages, annual value | 10,000 |
| Establishment of Karkuns, &c. | 22,900 |
| Pagah of sowars | 30,000 |
| Personal, palki, &c., allowances | 60,000 |
| Total Rs. | 1,22,900 |

the property of the complainant.

The proceeding of the late Gaekwar, Khunderao, was taken on the ground of his quitting the Baroda State, and proceeding to Jodhpore without permission. The present Chief has done nothing towards restoring the above, and has continued a prohibition forbidding complainant to visit the city of Baroda issued by his predecessor. Complainant's grievance consists in the present Gaekwar's refusing to comply with his requests on these points, and the Commission does not feel called upon to record an opinion on his case.

No. 23. The complaint in this case is against the action of the late Gaekwar, who in 1868 reduced two sowars and 65 footmen, with cash allowances aggregating Rs. 8,700 annually, from the establishment previously held by complainant, leaving him only four sowars, and the remainder of his annual allowance amounting to Rs. 5,000.

Complainant's claim consists of a demand for the restoration of the above; and no opinion appears to be called for from the Commission regarding it.

No. 25. The complaint in this case is, 1st, against the action of the late Gaekwar, who in 1860 reduced two sowars, for whom complainant received Rs. 300 annually; 2nd, Rs. 537 out of Rs. 837 personal allowance, which he had also previously enjoyed, was stopped by the present Gaekwar, but it has recently been restored to the complainant, whose only grievance now is that the sowars reduced in 1860 have not also been given back to him.

The case does not call for an opinion from the Commission.

No. 29. The complaint in this case is against the action of Ganpatrao Gaekwar, who in 1855 reduced complainant's personal allowance of Rs. 3,300 annually by Rs. 1,500, leaving him only Rs. 1,800, which he still enjoys. He has no grievance against the present chief.

No opinion appears to be called for in this case.

No. 32. The complaint in this case is, 1st, against the action of the late Gaekwar, who in 1860 reduced complainant's establishment of 30 footmen and Rs. 3,000 annual cash allowance by 10 footmen and Rs. 825 cash allowance; and, 2nd, against the appointment of a Mahratta Darogah a year ago to supervise his remaining establishment, but who has recently been withdrawn. Complainant's grievance now consists only of the reduction under Head I., which he claims to have restored to him.

No opinion appears to be called for in this case.

No. 33. In this case the complaint is, 1st, against the action of the late Gaekwar, who in 1866 resumed an Inam village valued at Rs. 200, in lieu of which he assigned complainant a cash allowance of Rs. 225 annually; and, 2nd, against the present Chief, who reduced eight of his pagah of 32 horses in 1872, but who has recently restored the same. The grievance in this case has now reference solely to the resumption of the Inam village by the late Chief, regarding which no opinion appears to be called for from the Commission.

No. 39. In this case the complaint is, 1st, against the action of the late Gaekwar, who in 1868 resumed an Inam village worth to complainant Rs. 473 annually; and, 2nd, against the present Chief, who in 1870 reduced four of his Pagah of 29 horses. Complainant's original allowances aggregated Rs. 12,037 annually, which he now enjoys in full, the four horses reduced having been recently restored to him. He has no grievance except the resumption of the village by the late Chief, regarding which no opinion from the Commission appears necessary.

No. 40. In this case the complaint is, 1st, the reduction in 1866 by the late Gaekwar of Rs. 542 from his personal cash allowance of Rs. 2,642; and, 2nd, the further reduction in 1871 by the present Chief of Rs. 1,500, leaving him only a balance of Rs. 600.

The present Chief having recently restored the Rs. 1,500 reduced by him, complainant has now no grievance against him, but claims the restoration of the previous reduction of Rs. 542, regarding which the opinion of the Commission does not appear to be called for.

IV. The remaining 17 cases, viz., Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 30, 35, 36, 37, 38, more or less affect the present Chief, and are summarized as follows:—

No. 11. In this case complainant states that he had a Tahinat (establishment) of 100 sowars and 10 footmen; that he received Rs. 14,000 annually for the former, and palki allowance, &c., and a special personal allowance of Rs. 1,200 annually for good service. He does not state his receipts for the footmen. The whole of the above was reduced in 1870 by the present Gaekwar, without, he alleges, any assigned reason, and he has since been left absolutely penniless. The Durbar simply states that it has no confidence in the complainant, and has therefore dismissed him.

The complainant in this case is an Arab, and one of a class not unlikely to give trouble if dealt with inconsiderately or unjustly; and in the absence of any definite cause for his dismissal from employment, the Durbar's proceedings towards him appear to the Commission to have been arbitrary and imprudent.

No. 12. In this case the complaint is that the present Chief in 1871 deprived the complainant of his Pagah of 10 sowars and annual cash allowance of Rs. 5,800 without any reason therefor, leaving him, as in the previous case, penniless.

The Durbar again, in this instance, simply states that it has no confidence in him, and has therefore dismissed him.

The Commission is of opinion that the proceeding adopted towards the complainant as above was, so far as it can judge, arbitrary and imprudent.

No. 13. In this case complainant held a charge of 25 footmen, for which he received Rs. 3,000 annually. He also had charge of a levy of 200 men in the Okamandal Mahal. Of the former charge four men were reduced by the order of the late Gaekwar, and the remaining 21 during the current year by the present Chief, without any assigned reason. The charge of the levy was taken from complainant on the accession of the present Gaekwar in 1870, and given to some one else.

The Durbar admits the correctness of the above statement, and asserts that the restoration of the establishment of 21 footmen to complainant had been ordered. It denies that he has any claim to the restoration of the charge of the levy of 200 men in Okamandal.

The reduction of the 21 footmen leaving complainant, a Mekrani, who appears to have done useful service in Okamandal, penniless, seems to the Commission to have been carried out in an unwisely summary manner; a mere verbal intimation of its being put in execution being made to the complainant. The course taken with regard to the levy does not call for an opinion from the Commission.

No. 14. In this case a Pagah of horse, with an annual cash allowance of Rs. 34,915, and an Inam village valued at Rs. 10,000 annually, was held by one Mahadavrao, who was killed by a boar in 1871, and who had been adopted by his predecessor in the said charge, &c. On his death, his widow adopted the said Mahadavrao's own brother, the complainant in this case, who states that the Durbar has abolished the Pagah, resumed the cash allowance and Inam village, and seized all the State and other property held by the deceased Mahadavrao.

The Durbar denies the validity of the adoption, alleging that, according to Hindu law, an adopted son could neither himself adopt his own natural brother to succeed him, nor could his widow do so subsequent to his demise, and it states that the adoption was never sanctioned, and that the complainant is not recognised as having any claim to the succession in this case. It further asserts that the private property of the estate has only been attached, pending a decision as to the heirship thereto.

This case is not one on which the Commission feels called on to pronounce an opinion.

No. 15. In this case a Pagah of sowars, with an annual cash allowance of Rs. 85,000, and a share in an Inam village valued at about Rs. 2,200, was held by one Radhan Mia, who died in 1872. The complainant claims to be Radhan Mia's adopted son, and complains that the Durbar has abolished the Pagah and resumed the cash allowances, the Inam village having been resumed by the late Gaekwar in 1868, and has also seized the horses and private property belonging to the estate of the deceased.

The Durbar points out that adoption is not recognised amongst the Mahomedans, and that it has declined to admit it in this case, though a Nazarana of one lakh of rupees has been offered by the complainant to induce it to do so. It states that an allowance of Rs. 200 per mensem has, however, been granted to him for his subsistence, and denies that it has interfered at all with the deceased Radhan Mia's private property.

The Commission does not feel called on to record any opinion on the merits of this case.

No. 16. In this case a village of the annual value of Rs. 4,000 and an annual cash allowance of Rs. 1,600 were granted to one Jelaji by the late Gaekwar, as a reward for his instructing the chief in gymnastics. About the time of the accession of the present Gaekwar, Jelaji died, and the village and allowances were at once resumed, and the deceased's property, valued at Rs. 55,000, was confiscated. The deceased left two widows, one of whom has since died; and a claim is put forth by his father-in-law, a pensioned Silledar, on behalf of the survivor, to the property thus resumed and confiscated.

The Durbar states that a compassionate allowance of Rs. 25 per mensem was made for six months to each of the widows, and that the private property was only attached, pending a decision as to the heirship thereto.

The Commission does not feel called on to record an opinion on the merits of this case, which does not appear to belong to the class of cases under immediate inquiry.

No. 17. In this case the complainant was in possession of two Inam villages of the annual value of Rs. 8,000, and an annual cash allowance of Rs. 30,000, which he held with a Pagah of horse. The whole management of the above was transferred in 1865 to the complainant's mother by the late Gaekwar, but was restored to him by the present Chief after his accession. At the end of six months, however, the management was again taken from him, and given over by the Durbar to complainant's mother, with whom it still remains, a monthly allowance of Rs. 125 and a horse being assigned to the complainant.

The Durbar admits the above to be correct, and states that the arrangement so described was made by it, in consequence of the complainant being unfit to carry on the duties of Pagadar.

The Commission does not feel called on to record any opinion on the merits of this case.

No. 18. In this case complainant, who was the son-in-law of Maharaja Seiajirao, held a Pagah of sowars with an annual cash allowance therefor of Rs. 22,000 and Rs. 2,000 personal allowance, and an Inam village of the value of Rs. 5,000, the same having been assigned to him by Seiajirao, on his marriage with his daughter in 1836. In 1858 the Pagah, with the Pagah and personal cash allowances, was transferred to his two sons by the then Gaekwar, Khunderao, who added a further sum of Rs. 2,000 to the younger son, and complainant was made Sooba of Deesa, with an annual cash allowance of Rs. 29,800. On the accession of the present Gaekwar, complainant states he was deprived of the office of Sooba and the cash allowance of Rs. 29,800, and the Inam village alone was left to him. The Pagah with the aggregate cash allowances of Rs. 26,000 as shown above, which had been transferred to his sons, was also resumed, and the Durbar seized six horses, houses, and other private property belonging to him to the amount of Rs. 55,000.

The Durbar admits the truth of the complaint, but states that the complainant's wife, on whose account the grants were made to him, having died, it was at liberty to resume the said grants; and that as complainant, when in power, adopted the same course towards the present Gaekwar's father-in-law, it saw no good reason for leaving him in possession of the grants that have been resumed, though he has not been disturbed in that of the village. With regard to the seizure of the horses and other property, the former were taken in lieu of State horses, which complainant had not restored; the houses were Government and not private property, and complainant still owes Rs. 15,000 to the State.

Nos. 19 and 20. The complainants in these cases are sons of the complainant in No. 18. They state that the Pagah with a cash allowance of Rs. 24,000, which was transferred to them from their father by the late Gaekwar, and Rs. 2,000 additional grant to the younger of them in 1858, was resumed by the present Gaekwar on his accession, and that they are left without means of subsistence.

The Durbar observes that the custom of the State fully warranted the resumption in these cases, and that it does not admit that either the father or the sons have any grievance in the course that has been taken in the matter.

It appears to the Commission that the summary resumption by the present Gaekwar of the employment and allowances granted to the first complainant (his own brother-in-law) by Maharaja Seiajirao 35 years previously, and continued to him and his sons, as described by them, by the two succeeding Chiefs, however warranted by the custom of the State, was a harsh measure, dictated apparently by personal animosity on the part of the Chief.

No. 21. In this case the complainant is the representative of one of the old State bankers. His grievances are of two kinds: 1st, the resumption by the present Chief of a Pagah of 62 horses and 10 footmen, which had been granted to the firm with three Inam villages, and cash allowances for the maintenance of the above establishment, two palkis, &c., &c., all of the aggregate amount of Rs. 35,000, by Maharaja Govindrao about 100 years ago, and his successors up to the late Khunderao Gaekwar's time; 2nd, the seizure by the Durbar, about 15 months ago, of the private property of the firm, and its refusal to aid the latter, as was always customary, in realizing its just dues from the Sardars and Silledars, by whom fifteen lakhs are owing to the firm.

In the matter of the first grievance, the whole of the cash allowances and Inam villages, for which complainant produces Sanads, admitted by the Durbar agents to be genuine, assigning the same to him in perpetuity so long as the firm continued to be servants of the State, were summarily resumed by the present Chief about 15 months ago; the Pagah and footmen being taken over by the State, the horses of the Pagah (which was serving in the Contingent in Kattywar), which were the private property of the firm, together with all their equipments, of the aggregate value of about Rs. 12,000, being at the same time confiscated. The reason assigned by the Durbar to complainant for the above proceeding was a claim preferred by it against the firm for debts due to the State, which complainant alleges to be unfounded.

The second grievance, being one connected wholly with the position of the firm as a State banker, will be dealt with separately under another head.

The Durbar states that it denies the right of the firm to hold the Pagah in perpetuity; and that as Motilal, the late head of the firm, who died about two months ago, left Baroda about fifteen months ago, without the Gaekwar's permission, it considers it had a right to resume the Pagah. The Durbar admits that the horses were the private property of the firm, but asserts that when they were confiscated they were believed to belong to the State. It adds that they shall be restored on the adjustment of accounts between the State and the firm.

On a full consideration of the circumstances of this case, the Commission is of opinion that the proceedings of the Durbar towards the complainant in the summary attachment of his establishment, and the resumption of his cash allowances and Inam villages on the grounds stated, were harsh and arbitrary, and calculated to excite alarm amongst the old employés of the State, who held similar charges under grants from previous Gaekwars.

No. 24. In this case the complainant held a Pagah of 13 horses, which had been conferred on his grandfather by Maharaja Anandrao many years ago, with cash allowance of Rs. 7,800 and an Inam village worth Rs. 440. His great grandfather previously enjoyed another Inam village of the annual value of Rs. 1,000. In 1868 the late Gaekwar resumed the village, worth Rs. 440, and in 1870 his cash allowances were stopped by the present Chief. In July of the present year the 13 horses composing his Pagah, which were his private property, were confiscated by the Durbar.

Within the last two months the Pagah establishment and horses with the cash allowance have been restored to complainant with the arrears due therefor, and his only grievance now is that the Inam village resumed by the late Gaekwar has not also been restored to him.

The Durbar agent observes that the village was held by complainant in part payment of his allowances, and that on its resumption he received in cash the equivalent at which it had been originally assigned.

The Commission does not feel called upon to record any opinion on the case.

No. 30. In this case the complainant, an Arab Sardar, held a Pagah of 36 sowars and an establishment of 72 footmen, which had been granted to his father many years ago, with cash and personal allowances of Rs. 8,085 for the former, and Rs. 9,672 for the latter. In 1871 the present Gaekwar took from complainant the Pagah of horse with the cash allowance assigned therefor, and personal allowance, and transferred the same to Yeshwuntrao, a relative of Hariba Gaekwar, the Revenue Commissioner, and in 1872 he resumed the establishment of footmen with the allowance fixed for it. Complainant states that the charge of the establishment of footmen has been recently restored to him, but the Pagah has not been, and his grievance is now confined to the latter point.

The Durbar agent remarks that the establishment both of horse and foot held by complainant was resumed by the late Gaekwar in 1861, but the nominal charge remained in his name, and was still held by him, a personal cash allowance of Rs. 1,200 annually being assigned to him. On the present Chief's accession the case was inquired into, and the Pagah was transferred to another person. The foot establishment with allowances fixed at Rs. 10,000 annually has been regranted to complainant, and he is now in possession of it.

The action of the Durbar in this case, so far as the Commission is in a position to judge, was summary and imprudent, considering that the complainant, an Arab leader, was one of a class likely to cause trouble if inconsiderately dealt with. It is also worthy of note that the Pagah of

which complainant was deprived was not in this instance reduced, but was transferred to another person.

No. 35. In this case complainant, who was an adopted son, succeeded his father in the possession of a Pagah of 25 horse, and a cash allowance aggregating Rs. 11,350. His father had enjoyed a cash allowance of Rs. 32,250, of which, on his death in 1861, Rs. 20,900 was resumed by the late Gaekwar, on the ground that his successor was an adopted son. In 1869, on the death of complainant's adoptive mother, her private property, to the value of one lakh of rupees, was attached by the late Gaekwar, and the present Chief in 1872 confiscated the same to the State, and at the same time reduced complainant's cash allowances by Rs. 1,900. Orders have recently been issued for the restoration of the latter to complainant, whose only grievance now consists of the seizure and confiscation of his mother's estate, to which he was the heir, and the restoration of which he claims at the hands of the Gaekwar.

The Durbar admits that the property was placed under attachment for the benefit of complainant, who is still a minor, and that a portion of it, valued at half a lakh of rupees, but which only realized Rs. 35,000 on sale, was retained by it as Nazarana. It further alleges that the remainder was made over to complainant's grandmother, who is now his guardian, a receipt for the entire estate, including the portion reserved as Nazarana, being, however, taken from her.

The Commission does not feel called on to record an opinion on the merits of this grievance, but remarks that the complainant appears to it to have long passed the years of minority.

No. 36. In this case the complainant, who was adopted by one Narayenrao, son-in-law of the late Gaekwar Khunderao, on the day of his death, and was recognised and acknowledged to have been so by the Durbar in the usual manner, states that his father enjoyed—

| | Rs. |
|---|---|
| 1st. A Pagah of 100 horse, with a cash allowance of - - - | 31,080 |
| 2nd. A personal allowance of - - - - - - | 12,000 |
| 3rd. Allowance as Killedar, with 10 Government horses - - | 4,000 |
| 4th. An establishment with cash allowance, including value of two Inam villages - - - - - - - | 13,288 |
| 5th. An additional Inam village of the value of - - - - | 18,000 |
| Total Rs. - - | 78,368 |

Item No. 4 of the above was resumed by the late Gaekwar in 1868, but Narayenrao remained in the enjoyment of the remainder during his lifetime.

On his adoption being recognised, the sum of three lakhs of rupees Nazarana was fixed by the Durbar, and agreed to by him to be paid therefor. The transaction was not, however, completed, as Hariba Dada, the Revenue Commissioner, required the surrender to him of the Inam village (No. 5 in the above list) valued at Rs. 18,000, which was refused by the complainant, but subsequently agreed to by his grandmother, together with the surrender of a garden and bungalow at Baroda, the private property of his father, of the value of two lakhs of rupees.

Complainant resisted this arrangement, and was then deprived of the post of Killedar with the allowance of Rs. 4,000, the Pagah of 100 horse with the allowance of Rs. 31,080 attached thereto, and the personal allowance of Rs. 12,000 being alone left to him.

With the Inam village shown above as No. 5, private property of the value of 2½ lakhs, consisting of houses, stables, garden, &c., was also seized and confiscated.

Complainant states he was willing to give any reasonable amount as Nazarana.

The Durbar does not question the general correctness of complainant's statements, and merely remarks that at the time of recognition of his adoption it permitted him to retain such portion of his predecessor's estate as it chose, and resumed the rest.

The Commission is of opinion that the action of the Durbar in this case was of an inconsiderate and arbitrary character, considering that the adoption of the complainant as the son and representative of the son-in-law of a previous Gaekwar was formally recognised by it, though the course taken in this matter was probably not unsupported by precedent and the practice on previous occasions.

No. 37. In this case complainant, who was an adopted son, succeeded to the possession of an establishment of six horse, with an annual cash allowance of Rs. 1,932, which he enjoyed from 1844 to March in the current year, when the same was transferred to his cousin, who paid a nazarana therefor of Rs. 4,000 to the State, and Rs. 500 as a personal gratification to the present Minister, Nana Sahib. Complainant, who was serving with his establishment in the Contingent at Sadra in the Mahi Kanta, on hearing of the transfer, came to Baroda, and appealed to the Minister, who told him that the establishment should be re-transferred to him if he paid a Nazarana of Rs. 5,000, which he refused to do, and the establishment has remained with his cousin. Complainant then represented his case to the Pandare Sardars.

The Durbar admits the transfer of the establishment, as stated by the complainant, but remarks that the Nazarana levied therefor was only Rs. 2,000, and that the alleged payment to the Minister is untrue.

The Commission is of opinion that the proceeding of the Durbar in this case, as admitted by it, was arbitrary and of a character to cause general alarm to the Silledars, the class of State employés to which complainant belonged.

No. 38. In this case complainant enjoyed a personal allowance of Rs. 1,800, which had been granted to him by the two last Gaekwars, and a house in Baroda, which had come to him from his father, to whom it had been granted in perpetuity by Maharaja Ganpatrao. Complainant's father was originally in personal attendance on Maharaja Seiajirao, who on his marriage made him a personal annual assignment of Rs. 500. This was increased in 1854 to Rs. 1,000 by

his successor, Maharaja Ganpatrao, who at the same time gave him the house at Baroda, and also granted complainant a separate allowance of Rs. 1,000.

In 1859 the late Khunderao Gaekwar increased the allowances of father and son to Rs. 1,800 each, being pleased with them as smart soldiers. Complainant's father enjoyed his allowance till his death, in 1866, when it lapsed, and the house passed into complainant's possession.

On the accession of the present chief the complainant's allowance was resumed and the house confiscated. The complainant produces a Sanad from Maharaja Ganpatrao, granting the house to his father in perpetuity, which the Durbar admits to be genuine, and adds that he has been offered an annual cash allowance of Rs. 327 in lieu of that of which he has been deprived. This he has declined to receive.

The Durbar does not question the correctness of complainant's statement, but remarks that he is a man of bad character, and that it stopped the allowance accordingly. It gives no explanation regarding the confiscation of the house.

The proceedings of the Durbar in this case towards a personal protegé of previous Gaekwars appears to the Commission to have been harsh, though no doubt it was quite warranted by the practice of the State.

### General Observations and Opinion of the Commission.

I. From the foregoing summary and the opinion recorded on each case it will be seen:—

(1.) That six of the complainants before the Commission have no personal grievance, their discontent having reference solely to the Durbar's proceedings towards others of their class.

(2.) That the grievances of six of the complainants have been adjusted, and that they have withdrawn their complaints.

(3.) That the cause of grievance in the cases of 11 of the complainants arose in the time of the late or previous Gaekwars, and that the Commission does not feel called on to record any opinion in 10 of the number. In one of these cases, No. 8 on the list, the action complained of appears to have been harsh and arbitrary, though quite in accordance with the then existing practice in the State.

(4.) That there are 17 cases of complaint against the proceedings of the Government since the accession of the present Chief, six of which do not appear to the Commission to call for an opinion from it.

(5.) In the remaining 11 cases the Commission considers that the action taken towards the complainants is open to objection as having been harsh, arbitrary, inconsiderate, or imprudent, according to the special circumstances of each, though it does not doubt that such action can be justified, in almost each case, by the Durbar, as having been in accordance with precedent and the previous practice of the State.

II. The Durbar agent has furnished the Commission with statements showing the annual reductions that have been made by successive Gaekwars during the last 60 years amongst the classes whose grievances form the subject of inquiry by it under this head, in view to proving that such reductions have been continued during that period, and that the proceedings of the present Chief in the matter have not involved the introduction of a new system or of novel measures towards these classes.

It appears from these statements, of which abstracts are appended—(1) that between Sanvat 1870 (A.D. 1813–14) and 1926 (1869–70), at the close of which latter year Khunderao Gaekwar died, and the present Chief succeeded to the Gadi, reductions to an aggregate amount of Rs. 10,84,913 were carried out amongst the Sardars and Silledars classes, or on an average Rs. 19,373 annually; (2) that during Khunderao's 14 years' incumbency of the Gadi, viz., from A.D. 1856–57 to 1869–70, the reductions aggregated Rs. 2,66,400, as an average Rs. 19,028 annually; (3) that since the present Chief's accession in November 1870, or three years ago, the reductions made have aggregated Rs. 3,53,958, or on an average Rs. 1,17,986 annually.

It is also deserving of notice that of the large amount of reductions so made by the present chief no less than Rs. 1,93,500 or nearly 55 per cent. are admitted in the statement to have been enforced among the favourites and adherents of the late Gaekwar, Khunderao.

The reductions amongst the Sebundi class during the same period were similarly—(1) between Sanvat 1877 (A.D. 1820–21) and 1926 (1869–70) in the aggregate Rs. 7,69,064, or on an average Rs. 15,695 annually; (2) that during Khunderao's 14 years' incumbency of the Gadi they aggregated Rs. 6,36,575, or on an average Rs. 45,484 annually; (3) that since the present Chief's accession they have aggregated Rs. 1,15,198, or an average Rs. 38,399 annually.

It should also perhaps be mentioned in connexion with the reductions carried out by Khunderao, which were very considerable amongst the Sebundi classes, that the Resident has brought to notice that subsequent to 1858 he largely increased his military force, and improved its efficiency at a considerable charge, thereby rendering the continued maintenance of so large a force of Sebundis no longer necessary.

III. In his concluding remarks on the subject of the reduction of the Sardars and military classes, the Durbar agent has alluded to the necessity for the reduction of expenditure in this as well as in other departments of the State service, consequent on a probable decrease of the revenue from the proposed revision and lowering of the land assessment, but has added that in any general measure of this nature due regard will be given to the ancestral and hereditary claims of the direct descendants of the said classes, who are entitled to special consideration on the seere of former services.

IV. In his concluding statement on this subject, dated 25th November 1873, the Resident explains—(1) the grounds for his apprehensions of possible trouble on the part of the Sardars and military classes, owing to the discontent that was prevalent amongst them in consequence of the action of the Durbar towards many of their number, and (2) the course taken by him to allay the same and to remove the cause of complaint. With reference to his remark that 80 or

100 Silledars were prepared to give further evidence regarding the guarantee of continued service conveyed to them by the late Gaekwar in 1858, the Commission does not deem it necessary to take such evidence.

V. On a full consideration of the circumstances connected with the grievances of the Sardars and military classes as already set forth, the Commission is of opinion that the uncertainty of service and the liability to summary dismissal without special cause or reason, to which these classes appear to have been subject at the hands of previous Gaekwars, have been seriously aggravated since the accession of the present Chief by the wholesale reductions he has carried out amongst them generally, in an arbitrary manner, and as regards the followers and dependents of his predecessor, rather apparently in a spirit of hate and vengeance than from a feeling of State necessity.

VI. The power of the Chief to make such reductions amongst a class that is generally unfit for the description of service now required by the State, but whose maintenance involves a heavy annual charge, cannot, of course, be contested, but as the measure, if arbitrarily enforced as hitherto, must be productive of discontent and alarm amongst the hereditary military classes generally, and those dependent on or otherwise associated with them, the Commission would suggest that the Gaekwar's Government be advised to frame, in consultation with the Resident, some general rules for adoption in giving effect to such reductions in future, which will ensure their being carried out with due consideration to the claims of the parties concerned, and will prevent the scandal and risk that must attend the sudden deprivation without compensation, or other provision of any sort, of large numbers of old or hereditary military servants of the service on which they are wholly dependent for the means of subsistence.

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## Case No. 2.

### Grievances of the Beejapoor Thakors.

The case of the Beejapoor Thakors was referred to by the Resident in his correspondence with the Bombay Government, as follows :—

(1.) Letter No. $\frac{103}{652}$, dated 25th June 1873 (paragraphs 1 to 5), and enclosed copy of yad to His Highness the Gaekwar, of the same date.

(2.) Letter No. $\frac{107}{673}$, dated 28th June 1873 (paragraphs 1 and 2).

(3.) Letter No. $\frac{113}{699}$, dated 4th July 1873.

(4.) Letter No. $\frac{118}{708}$, dated 8th idem (with enclosed translation of Durbar yad), and was referred to by the Government of India in paragraph 6 of Foreign Secretary's letter No. 2209 P, dated 19th September 1873, to the Government of Bombay.

### Summary of the Complaints of the Beejapoor Thakors as stated before the Commission, with the Opinion of the latter on the same.

No. 1 summarises his grievances as follows:—Village area, 2,000 bighas; revenue, Rs. 2,000; number of houses, 50 or 60.

1. Increase of "ghas dana" tribute by about 28 per cent. during the 10 years from 1863 to 1872, two of the three increments made therein having taken place during the late Gaekwar's time. Complainant denies the right of the Chief to increase the said tribute.

2. Abolition in 1867 of Sirpao and Meshwani allowances previously enjoyed, aggregating Rs. 22 annually.

3. Reduction in 1863 of giras haks in Bijapur Mahal from Rs. 174–8–0, previously enjoyed, to Rs. 38–2–0, though the Government continued to collect the former amount in full, and retained the difference.

4. Further reduction in 1869 of 2 annas in the rupee on the reduced amount, on account of Inam Committee tax, when complainant refused to accept the balance.

5. Deprivation by Durbar officials in 1866 of ancient right to certain petty dues from ryots of a Government village.

6. Neglect of Durbar since 1863 to enforce payment by ryots of a share in the produce of certain lands in the Beejapoor and Kadi Mahals, to which complainant is entitled.

7. Stoppage pending settlement by Inam Committee, since 1863, of giras hak in a village in Kadi Mahal.

8. Imposition of the Inam Committee tax of 2 annas per rupee on lands mortgaged, which falls on the mortgagors when redeeming the mortgage.

9. Deprivation by Durbar since 1864 of petty powers of punishment in cases of minor offences, formerly enjoyed by complainant.

10. Imposition by Durbar of tax on second marriages.

11. Abolition, since 1862, of the practice of granting safe-conduct passes to Thakors proceeding to Baroda.

12. Summoning of his ryots, since 1862, by Durbar officials direct, instead of through complainant as formerly.

13. Imposition by Durbar, since 1863, of "Mohsals" (attachment officers) on complainant and other Thakors, and compelling them to pay their cost.

14. Deprivation by Durbar, since 1864, of the right previously enjoyed by him and other Thakors of appropriating the property of such of their ryots as may die without heirs.

15. Levy of tolls by Durbar within their districts during the last five or six years.

16. Imposition of "Accession Nazarana" never before heard of, on the accession of the present Chief, at the rate of 25 per cent. on ghas dana tribute, and 40 per cent. on giras haks for one year.

Complainant was unable to pay the "Accession Nazarana" in addition to the other heavy demands made on him, and was in consequence imprisoned, and kept without food for two days at Beejapoor. On his release he went to Baroda with the other Thakors and petitioned the Minister twice against the levy of this tax, but could get no redress, and they all returned to their villages after one month. They had no intention of making a disturbance. About October 1872 they petitioned the Resident regarding the "Accession Nazarana," but getting no answer, after three months again petitioned him and the Maharaja, but no notice was taken by either. Two months later, or in March 1873, deponent complained of the Mohsals (attachment officers) imposed on him, and offered to pay the ghas dana tribute due, but not the Nazarana. He was in reply ordered to pay the Nazarana first, and told that a force from Baroda would compel payment. He and the other Thakors then petitioned the Dewan and the Resident, but without any effect. In June they were summoned to Baroda by the Sir Sooba, but were afraid to go without a guarantee. A force of 100 infantry was then sent to Beejapoor, and 1,000 or 1,500 men were called in from the Mahals. The cultivators then fled from complainant's village, leaving some 200 or 300 Kolis there. The ryots were forbidden to give the Thakors their dues, and deponent suffered a loss of between Rs. 2,000 and Rs. 3,000, owing to his lands remaining uncultivated. The Thakors again petitioned the Dewan and the Resident, and sent their Karkun to the latter officer, at whose invitation in July they came to Baroda. The force was withdrawn about the Dussera. Deponent and the other Thakors have since been attending at the Durbar, but can only get one reply, viz., "Pay the Accession Nazarana and the Inam Committee tax, and your grievance will then be inquired into."

No. 2 (village area, 3,000 bighas; revenue, Rs. 6,000; number of houses, 500; population, 1,500,) complains as follows:—

1. His ghas dana tribute has been raised from Rs. 1,000 in 1862 to Rs. 1,500.

2. His giras haks in nine villages were reduced in 1866 from Rs. 433-8-0 to Rs. 194-12-0, and in 1871 the Inam Committee tax of 2 annas in the rupee was further imposed on the latter, when he refused to receive the balance. Giras haks in three villages have remained unpaid for 10 years.

3. His rights (1) to petty dues from ryots were stopped in 1864; (2) to a share in the produce of four villages were stopped in 1868; to certain grain dues were cut down and commuted in 1863; and Inam Committee tax was imposed in 1871 on the small sum so granted to him, when he refused to receive it.

4. The Inam Committee tax has been imposed on Wanta (or Inam) lands.

This complainant's other grievances are precisely the same as those of No. 1.

No. 3 (village area, 3,000 bighas; revenue, Rs. 2,000; number of houses, 200; population, 700,) complains as follows:—

1. His ghas dana tribute has been raised from Rs. 292 in 1853 to Rs. 379 in 1871.

2. His giras haks in two villages remain unsettled. Those in a third have not been reduced, but Inam Committee tax has been imposed on them, and he has refused to receive the balance.

3. His rights to certain petty dues from ryots remain unenforced.

4. His grain haks were commuted in 1863. In 1869 the Inam Committee tax was imposed on the amount so allowed to him, and he refused to receive it.

The rest of this complainant's grievances are the same as those of No. 1.

No. 4 (village area, 1,200 bighas; revenue, Rs. 1,500, number of houses, 70; population, 250,) complains as follows:—

1. His ghas dana tribute was raised from Rs. 246 in 1856, to Rs. 412 in 1869, at which latter rate it is now levied.

2. Giras haks in nine villages reduced in 1864 from Rs. 147 to Rs. 14-2-0. In 1871 the Inam Committee tax was imposed on the latter amount, and complainant refused to receive the balance. Arrears, amounting to Rs. 762, due to complainant, remain unrealised from the ryots, but the Government will give no aid in their collection.

Remaining grievances are the same as those of No. 1.

No. 5 (village area, 2,500 bighas; revenue, Rs. 5,000; number of houses, 300; population, 1,000,) complains as follows:—

1. His ghas dana tribute was raised from Rs. 880 in 1853, to Rs. 952 in 1866, at which it is now levied.

2. Arrears of giras haks are due from Government to the amount of Rs. 239-1, which complainant refuses to take, as Inam Committee tax has been imposed thereon.

Complainant's other grievances do not call for remark. His case is generally the same as that of No. 1.

No. 6 (village area, 3,000 bighas; revenue, Rs. 1,500; number of houses, 300; population, 1,200,) complains as follows:—

1. His ghas dana tribute has been raised from Rs. 503 in 1860, to Rs. 751 in 1870, at which rate it now remains.

2. Giras haks in eight villages reduced from Rs. 452 to Rs. 290 in 1864. On the imposition of Inam Committee tax on the latter amount, complainant refused to receive the balance. Similar haks, amounting to Rs. 141 in two other villages, have remained unsettled since 1862.

3. Grain haks in certain villages were commuted in 1864, and on the imposition, in 1870, of Inam Committee tax on the commuted amount, complainant refused to receive it. Complainant's

other grievances do not call for remark, his case generally being the same as those of the preceding numbers.

No. 7 (village area, 1,800 bighas; revenue, Rs. 1,500 to 2,000; number of houses, 225; population, 700.) complains as follows:—

1. His ghas dana tribute has been raised from Rs. 292 in 1862, to Rs. 361 in 1872.
2. His giras haks in one village were reduced in 1863 from Rs. 22-8-0 to Rs. 18-8-0, and in another village have remained for 10 years unsettled.
3. His grain haks were commuted in 1867, and he has not drawn the commuted amount, as the Inam Committee tax has been imposed on it.

Complainant's other grievances do not call for remark. His case is similar to that of the other complainants.

## General Observations.

The complaints of all the parties who have come forward under this head are almost identical, though the whole number of grievances is not applicable to every one of them, and it will therefore be convenient to consider all seven cases together in these observations.

2. Of the 16 or 17 subjects of grievance which have been stated before the Commission, the really important ones are only three in number, viz., (1) the enhancement of the so-called "ghas dana" tribute; (2) the alleged reduction of the giras haks, and the subsequent imposition on the sums allowed in lieu of these haks of the Inam Committee tax of two annas in the rupee; and (3) the levy of "Accession Nazarana" on the succession of the present Chief.

As regards the other items of complaint, viz., (*a*), the abolition of "Sirpao" and "Meshwani" allowances; (*b*), the refusal of the Durbar to enforce the payment by the ryots in Government villages to the complainants of certain petty dues formerly enjoyed by the latter; (*c*), the levy of the "Inam Committee tax" on Inam lands; (*d*), the withdrawal from complainants by the Durbar of the powers of punishment in minor offences formerly exercised by them; (*e*), the imposition of a tax on second marriages; (*f*), the abolition of the grant of safe-conduct passes to complainants when going to Baroda; (*g*), the direct summoning of complainants' ryots by the Durbar officials; (*h*), the commutation of complainants' grain dues from the ryots into a money payment; (*i*), the imposition of Mohsals (sowars or peons whose charges are paid by the defaulter) on complainants to enforce the payment of the Government dues; (*j*), the appropriation by the Durbar of the property of ryots of the complainants dying without heirs; and (*k*), the levy of tolls by the Durbar within the limits of complainants' villages,—the Commission is of opinion that while the action of the Durbar appears to have been somewhat inconsiderate towards the complainants in respect of some of these grievances, it is impossible for it to call in question its authority to act as it has done towards them. Some of the complaints appear, moreover, to be of a frivolous nature.

Lastly, it is to be noticed that almost all the grievances brought forward in this case had their origin previous to the accession of the present Chief, who appears to be personally responsible for little more than the imposition of the obnoxious Accession Nazarana, and the proceedings taken by the Durbar, consequent on the Thakors' absolute and determined refusal to pay the same.

3. The reply of the Durbar agent to the statements preferred by the complainants before the Commission will be found appended to them, and it will be seen from it (1) that the Durbar justifies the enhancement of the annual payments made to it for their villages by the Thakors on the ground that they are levied really as a Jamabandi settlement, and not as a quitrent, as claimed by the complainants. The Durbar further intimates its readiness to fix the annual payments for the next 10 years at the annual average of the last 10 years.

(2.) The Durbar explains that the arrangement with regard to the complainants' giras haks was made by it in consequence of complaints from the ryots concerned of the manner in which these haks were levied from them by the Thakors, and states that the latter were awarded in each case such sums on this account as they were able to prove was their due at the inquiry held on the subject. The Durbar denies that it levies from the ryots on this account anything in excess of what is paid to the Thakors.

(3.) With regard to the "Accession Nazarana," the Durbar alleges that before deciding on its imposition the Maharaja consulted the Resident, Colonel Barr, who said he could do as he pleased in the matter; and it refers to taxes of a somewhat similar character, though of much lesser amount, which were imposed by the late Gaekwar. It adds that the said Nazarana was imposed on the whole State, and, with the exception of the seven complainants, has been paid by everyone liable to it, and even by the other Thakors of Beejapoor, without objection. The Durbar made every effort to induce the complainants to comply with its demand on the subject of the payment of this Nazarana, and the move of troops to enforce it was only made as a last resource, and with the concurrence of the Resident.

With regard to the other grievances of the complainants, the Durbar intimates its readiness to restore some of the indulgences of which they have been deprived, and generally to make all reasonable concessions to them.

4. The Resident in his final statement, dated 12th January 1874, recapitulates the circumstances of this case, and the grievances of the complainants, and quotes various reports of the political officers of Guzerat, all tending to show that the Gaekwar's Government never loses any opportunity of oppressing and encroaching on the rights of the Girasias, and Bhayads of Thakors of the class to which complainants belong. He adds that it was this kind of policy that led to the transfer of its tributaries from the Gaekwar's control to that of the British Government, and remarks that the complainants consider themselves in precisely the same position as their Bhayad the Mahi Kanta Thakors, who enjoy British protection.

OPINION OF THE COMMISSION.

I. In its general observations on the grievances of the complainants in this case (paragraph 2 above), the Commission has recorded its opinion that only three of them are really important, viz., (1) the enhancement of the so-called ghas dana tribute; (2) the alleged reduction of giras haks, and subsequent imposition on the sums allowed in lieu of them of the Inam Committee tax of 2 annas in the rupee; and (3) the levy of "Gadi Nazarana" on the accession of the present Chief.

As the Government of India attaches importance to the case of the Beejapoor Thakors, it may be as well to discuss at some length the three grievances, which are, in the opinion of the Commission, worthy of investigation.

As regards the first of these, viz., the enhancement of the so-called "ghas dana," annually levied from each of the villages, it should be borne in mind that the present Gaekwar is not responsible for commencing the enhancements. All that he has done is to continue, and, in some instances, still further enhance the increases made by his predecessor. The Durbar authorities maintain that what has been done in this way is perfectly justifiable; and that there is no reason whatever why objection should be taken to the reasonable increases which have been made. This being the case, the Commission proceeds to consider, 1st, whether the Gaekwar's Government was justified in enhancing the "ghas dana" in the different villages at all; and 2nd, whether the increases are reasonable with reference to the revenue derived by the Thakors from the villages.

In the first place it is of importance to bear in mind that no contract or Sanad has been produced by the Thakors, or is alleged to have ever existed, giving a guarantee on the part of the Durbar that the "ghas dana" shall always remain the same. This being the case, the Commission is not inclined, in the absence of any trustworthy evidence, to adopt the view put forward by the Thakors. In arriving at this conclusion, the Commission has, to a certain extent, been influenced by what is known to have occurred in the British Collectorate of Surat. In that district are certain villages, the representatives of which, up to a few years since, from the time Surat became British territory, had always been in the habit of paying a fixed lump sum to Government, as the revenue assessment of their villages. On the introduction of the Revenue Survey and revised assessment into the Surat Collectorate four or five years ago, the whole subject in connexion with these villages was fully considered.

The Bombay Government then came to the conclusion that the villages should be surveyed, and their lands assessed at the same rate as the lands of other villages in the vicinity.

The consequence was that a very much larger and a varying rental was demanded by Government in lieu of the fixed lump sum that had previously been paid. It is believed that the enhancement was proportionately much greater than has been made by the Gaekwar and his late brother in the "ghas dana" of the Thakors' villages. The Commission does not wish it to be inferred that the cases are exactly parallel, but they are sufficiently similar to have some weight with the Commission.

3. With reference to the term "ghas dana," this levy seems, in the opinion of the Commission, to be only one of the "Mulkgiri" collections periodically made by the Maratha armies when proceeding on their annual tours. Other collections under different names were levied simultaneously, which have all been lumped under the existing name of "ghas dana," which may roughly be termed "Jamabandi," and which, in the opinion of the Commission, is liable to be enhanced at the pleasure of Government.

4. The Thakors' claim that they are precisely in the same position as their relatives in the Mahi Kanta, in respect of their payments to the Gaekwar's Government, is evidently untenable. In the case of the latter a permanent settlement of the Gaekwar's claims has been made under treaty, under the guarantee of the British Government. In that of the former nothing of the sort has been done, and the authority of the Gaekwar's Government over them is as unrestricted as over any other class of its subjects.

5. The Durbar's proposal to make a 10 years' settlement with the Thakors, on the basis of their average annual payments for the last 10 years, appears to be fair and reasonable. It might, however, be better if he would make the settlement for 20 instead of 10 years, as it is of course important that this class of people, especially on the frontier, shall remain in a contented condition. However, as before mentioned, the Commission has no doubt that in enhancing the "ghas dana" as has been shown, the Thakors have no just ground of complaint, and any action tending to meet their wishes should voluntarily emanate from His Highness.

6. The next point to be considered is whether the enhancements made by the Durbar are reasonable or not. This question the Commission cannot test very closely, because it has no means of ascertaining exactly the precise amount realised by the Thakors from each of the villages. Assuming, however, that the information on this point, given by the Thakors themselves, is correct, it would appear that the acreage and receipts by them in each village are, in round numbers, as follows:—

| No. | Village. | Bighas. | Receipts. | Present Ghas Dana. | Increase per-centage. |
|---|---|---|---|---|---|
| | | | Rs. | Rs. | |
| 1 | Chanta - - - | 2,000 | 2,000 | 675 | 29 |
| 2 | Gasaeta - - - | 3,000 | 6,000 | 1,500 | 50 |
| 3 | Ransipur - - - | 3,000 | 2,000 | 379 | 30 |
| 4 | Kuvadia - - - | 1,200 | 1,500 | 412 | 67 |
| 5 | Lakroda - - - | 2,500 | 2,000 | 952 | 8 |
| 6 | Mahudi - - - | 3,000 | 1,500 | 751 | 49 |
| 7 | Anodio - - - | 1,800 | 1,500 to 2,000 | 361 | 24 |

The last column but one, it will be seen, shows the amount now paid as "ghas dana," whilst the last column shows the per-centage increase during the period ranging from the last ten to twenty years, since when the rates have fluctuated. Looking carefully at these figures, and bearing in mind that the acreage and revenue have probably been understated by the Thakors, the Commission is of opinion that the enhanced assessments have not been excessive.

7. The next grievance of the Thakors, which the Commission thinks should be inquired into, is the alleged reduction of "giras haks," and the imposition, by the Durbar, of the Inam Committee tax of two annas in the rupee on the reduced sums. On this subject the Durbar and Thakors are at issue on a matter of fact. It appears that some years ago, previous to and during the reign of the late Gaekwar, it was the custom for the Beejapoor Thakors to levy direct from the villagers their giras haks. These haks, it may be explained, were a species of black mail paid by the villagers throughout Guzerat to the turbulent freebooting classes, to induce them to abstain from robbery and pillage. The custom of directly levying these giras haks from the villagers proving inconvenient and liable to lead to disturbances, and the power of the exacting Girasias to make themselves offensive growing less, the Durbar authorities, very wisely, it seems to the Commission, directed all Thakors and Girasias to abstain from making their levies direct, undertaking themselves to collect their dues from the villagers, and hand them over to the Thakors and other Girasias. Exactly a similar course was, many years ago, adopted by the British Government with reference to similar payments levied by the Girasias throughout the British districts in Guzerat. The Thakors now allege that the Gaekwar's Government does not hand over to them all the amounts they collect as "giras." The Durbar declares that it does. On this point no evidence was produced by the Thakors, neither, probably, was it procurable. In the British territories, however, when the change in the mode of collecting the dues was effected, the Girasias were proved in many instances, in collusion with the hereditary and stipendiary servants of Government, to have caused larger sums to be entered in the Government records as their dues than they had previously received from the villagers. It is not impossible that similar attempts at imposition are being practised now. Be that, however, as it may, the Commission is not in a position to state, in the absence of trustworthy evidence, on which side the truth lies. As regards the imposition of the Inam Committee tax of two annas in the rupee on the reduced sums, it should be mentioned that the tax is imposed on all alienations from the State, and is not confined to these giras dues. The Commission having discussed this tax in its general aspect elsewhere, there is no necessity for considering it particularly with reference to the Beejapoor Thakors.

8. The last grievance of the Thakors into which the Commission thinks it necessary to inquire is in connexion with the "Gadi Nazarana," which was a levy of 25 per cent. on the land assessment, and 40 per cent. on all alienated lands and Inams of every description throughout the Baroda State, levied for one year, to commemorate the accession to the Gadi of the present Chief. This grievance is not more pressing on the Thakors of Beejapoor than on other hakdars and cultivators; the only difference being that the former have so far successfully resisted its payment. With reference to this "Gadi Nazarana," it has already been mentioned elsewhere that, prior to its imposition, His Highness the Gaekwar declares that he spoke on the subject to the late Resident, Colonel Barr, and informed him of his intentions, and that Colonel Barr replied that he should in such a matter follow his own inclination. The Commission sees no reason to doubt that such was actually the case; and though it is to be regretted that such a general and heavy tax, though limited to one year, was imposed, the Commission does not consider that any further remarks on its part on this subject are necessary.

9. In concluding its observations on the case of the Beejapoor Thakors, the Commission would desire to point out that the Resident seems to have been misled by the Minister, when in his letter No. 103–552, dated 25th June 1873, he informed the Bombay Government, "that the five "Thakors who have been representing their grievances to the Resident since October last year, "as reported by me in the Administration Report for 1872–73, have now broken into open rebel- "lion, and have taken to the strong ground on the banks of the Sabarmati with about 1,000 "Koli followers."

As a matter of fact, not one of the Thakors went out into rebellion at all, nor did any of their Koli followers, the former appearing to be much astonished when questioned by the Commission on the subject. The Commission is at a loss to understand whence the Minister obtained the erroneous information which misled the Resident.

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CASES Nos. 3, 6, 11, 12, and 13 to 31.

Grievances of the agricultural classes in connexion with the ill-treatment and oppression to which they are subjected in the collection of the Government land revenue and other cesses.
Complaints of the representatives of villages of the Pitlad and other Purgunnas.
Ditto of the inhabitants of the village of Viriao.
Ditto of the inhabitants of Patan and Gahej.

The complaints of the inhabitants of the Pitlad Purgunna are referred to by the Resident in paragraph 3 of his letter to the Bombay Government, No. 118–608, of 8th July 1873.

1. The Resident has brought forward the cases of the inhabitants of the Pitlad and other Purgunnas, with the object of an investigation being made by the Commission into the general abuses of the revenue administration of the Baroda Government, and the alleged oppressive rates of land assessment imposed by it. As these subjects were not, however, referred to in the instructions issued to the Commission as matter for inquiry by it, and as it was obviously out of

its power to take up so large a question to any satisfactory purpose, the orders of the Government of India were solicited on the point, and under its authority this portion of the grievances of the complainants has been excluded from the consideration of the Commission. The complainants' allegations of general and systematic personal ill-treatment and oppression at the hands of the Durbar officials have, however, been inquired into, and are summarised in the following paragraphs:—

No. 1 deponent states that in July 1871 an old widow of 50 odd years of age died on the third day from the effects of a beating she suffered from some sowars and sepoys who wanted to compel her to pay the "Accession Nazarana" and the Government revenue, her sons having run away. The sepoys were afterwards, on the case being inquired into, imprisoned for one month.

Subsequently, deponent and 10 or 15 of his fellow villagers were placed in a row by a Government Karkun, and had a wooden beam put across their necks to compel payment, as in the previous case. This oppression was practised by order of the Pitlad Vahivatdar. It is the customary mode of realising the Government revenue, when it cannot be got otherwise. Complainant petitioned the Resident only.

No. 2 deposes that when at Baroda, in 1863, he met people of the Pitlad villages who refused to pay the increased rates of assessment that had been imposed. One of them, a respectable man of considerable wealth, was in consequence seized, handcuffed, and made to sweep the public road for two days. This example induced the other people to pay.

In 1865 the Bhats and Brahmins refused to pay the Inam Committee tax then imposed, when a force was sent against them, and some 100 or 150 were seized, 18 or 19 being wounded, of whom six subsequently died.

In 1868 the assessment of the whole Purgunna was raised by two annas in the rupee, and some 500 people came to Baroda to protest against the same. One of them, a Patel, was seized and put into a wooden frame, with a beam over his neck, and his person "spread-eagled." He then received two blows, when he agreed to pay the assessment, and deponent followed his example.

It is a common practice to make revenue defaulters stand stooping in the sun, touching their toes, in water, with weights on their necks, and such like, and deponent has seen his fellow villagers so treated. Twenty-five Kanbis have left his village within the last two years, being unable to pay the assessment.

No. 3 makes the same statement as the preceding deponent regarding the proceedings towards the Bhats and Brahmins for non-payment of the Inam Committee tax in 1865, and adds that in consequence of the alarm thereby occasioned the rest of the people paid the tax.

Two years later some 20 or 25 Kanbis fled from his village in consequence of the imposition of a fresh tax. Some were made to pay by being compelled to stand stooping in the sun.

Deponent saw the Patel referred to by the preceding deponent put into a wooden frame, &c. at Baroda, as described by him.

No. 4 states that in 1871 he was seized and kept in custody for one day for non-payment of the "Accession Nazarana" tax. On the same occasion the sowar who seized him seized a Koli, and putting his saddle and bridle on him, then mounted him. Seeing this the rest of the people at once paid the Nazarana. The sowar was alone. Ten Kolis then quitted the village.

No. 5 states that some six months ago a Karkun came to his village to realise the "Accession Nazarana." The villagers refused payment, whereupon some 50 of them, of whom deponent was one, were made to stand on hot bricks, touching their toes, while sepoys mounted on their backs for 20 minutes at a time. The sepoys further turned the women and children out of their houses, which they attached. The villagers then agreed to pay up, and gave the Karkun Rs. 7 to leave the village. They addressed a petition to the Maharaja, but the Karkun refused to take it. Twenty "Paggis" (watchmen) left the village in consequence of the above, but subsequently returned.

No. 6 states that he was imprisoned and fettered for six days in 1871, because he refused to pay the "Accession Nazarana." His cousin was imprisoned for 14 days on the same account on payment of the Nazarana he was released. He went to Baroda and complained, and was told the tax would be levied by instalments. Consequent on the levy of the Nazarana some 40 people left his village. Of these about half have since returned.

No. 7 states that in June last he (being 70 years old) and three other men of his village, who went to Pitlad to protest against the levy of the "Accession Nazarana," were placed, by order of the Vahivatdar, in a privy, and kept there till next day, when, on giving a written promise to pay, they were released. Deponent and other villagers went to Baroda to complain of their ill-treatment and oppression, but were not listened to.

No. 8 states that in 1867 a Nazarana of Rs. 50,000 was levied from the Purgunna, on the appointment of Bhow Scindia as Minister, and the following year the assessment was raised two annas in the rupee. Deponent, with some 500 others, went to Baroda to complain against the latter increase, but Bhow Scindia ordered him to be taken away, and he was put into a wooden frame and "spread-eagled," as stated by Nos. 2 and 3, he being the Patel referred to by them. He then agreed to pay, and make the others do so. Deponent adds that the present chief has imposed new taxes, but has not exercised oppression in realising them.

No. 9 states that in 1864 the people of the Pitlad Purgunna were summoned to agree to a ten years' settlement of the land revenue. The rates being excessive, they refused to accept the settlement, whereupon one of the chief of them was ordered to sweep the public road. They then agreed to the settlement. Deponent describes the attack on the Brahmins and Bhats in 1865, as stated by preceding witnesses, and adds that 200 Kolis fled at that time from his village to the Kaira districts, owing to the ill-treatment they received from the Government sowars and peons. They have not returned.

In 1867 the deponent's village was rated at Rs. 400, on account of the Nazarana levied on Bhow Scindia's nomination as Minister, and on his and others refusing to pay the same, as being contrary to the ten years' settlement, he and seven other Wuttundars were imprisoned for 15 days by the Vahivatdar, to whom on their release, on payment of the Nazarana, they paid Rs. 800 for himself. In 1868 deponent witnessed the ill-treatment of No. 8 as described by him. In 1872, on their refusal to pay the "Accession Nazarana," deponent and some 50 other villagers were made to stand in the sun touching their toes, while pieces of wood were placed on their backs. They then paid the Nazarana. On this occasion 15 cultivators left the village. Deponent and others petitioned the Maharaja, but could get no redress.

No. 10 states that in April 1870, the "Accession Nazarana" not being paid by his village, five villagers were selected by the Mahal Karkun and made to touch their toes, while prickly pear leaves were put on their backs, and stones on them. The money was then collected and paid through fear. Four families left the village. Deponent saw the above. A complaint was made, but there was no redress.

No. 11 states that in 1864 he and others demurred to the proposed ten years' settlement, when some of them were imprisoned, and one man was sent to sweep the public road, as already described. They then agreed to it. He then refers to the attack on the Bhats and Brahmins in 1865, as already recorded, and states that owing to ill-treatment in connection with the levy of the Inam Committee tax, some 200 or 250 families of Kolis left the village, and have since subsisted by robbery. In 1867 deponent was imprisoned for 15 days with others for refusing to pay his share of the Nazarana levied by Bhow Scindia, and had to give Rs. 800 to the Vahivatdar, besides the Nazarana, for ultimately releasing them. In 1868 deponent witnessed the ill-treatment of No. 8 as described by him in connexion with the increased assessment of two annas in the rupee. In 1872, in consequence of their refusal to pay the Inam Committee tax, some 50 villagers, including deponent, were made to stand in a row touching their toes till they agreed to pay up. In 1872 deponent and his brother-in-law were made to pay Rs. 300 to the Thanadar of Bhavanta and Rs. 550 to the Vahivatdar of Pitlad and his son, after being detained in custody eight or ten days, in connexion with their bringing a woman from Visrampur, whom his brother wanted to marry. The woman ran away, and they only succeeded in getting back Rs. 375 of the sums so paid by them, on complaint to the Sir Sooba.

The foregoing evidence has been given by men all belonging to the Pitlad Purgunna. Many more are in attendance, but the Commission deems it unnecessary to take their depositions separately.

No. 12, a Wuttundar of a village in the Sinor Purgunna, states that in January 1873 the Vahivatdar came to his village, and demanded Rs. 8,500 on account of "Accession Nazarana." The villagers declared they could not pay, whereupon he seized the whole of them. The hands of 25 men were then tied together, and they were made to stoop, while three beams of wood were put on their backs. Four men fell down, and were beaten by the sepoys, when the rest agreed to pay up the amount demanded. The Vahivatdar at the same time took a chit for Rs. 2,800 on account of a tax of his own. Till 1872, such was not the mode of levying the revenue or taxes. Similar oppression has been practised in other villages. The amount was made up by the sale of the reserve grain of the village. The villagers petitioned the Maharaja, but got no redress.

No. 13, a Patel of the Sinor Purgunna, states that in 1872–76 the Vahivatdar summoned him and told him he had to recover the sum of Rs. 20,000 Nazarana, which he had had to pay to the present Minister, and that his village must make up Rs. 2,000. Deponent protested that the "Accession Nazarana" could hardly be made up, and that this further demand could not be met, but he was imprisoned for seven days, and then agreed to its payment. The villagers, however, refused, on which ten of them were seized and two flogged. They then agreed to pay. The payment of the "Accession Nazarana" was also refused, when the Vahivatdar made some 50 men stand in the sun touching their toes till they agreed to make up the amount. The Vahivatdar's tax had never been levied before.

Deponent addressed a petition to the Maharaja on the above, but it was not received.

No. 14, a Wuttundar of Sinor Purgunna, makes the same statement as the preceding deponent, regarding the Vahivatdar's proceedings in the levy of his tax from his village, to which No. 13 also belongs. Deponent and another villager were seized and flogged with horse-whips, receiving ten cuts on the back, when they agreed to pay. The Vahivatdar reduced his demand to Rs. 1,600, of which Rs. 1,500 were paid down. The balance of Rs. 100 has to be made up by deponent, and "Mohsals" are now imposed on him to compel payment. Deponent petitioned the Maharaja and gave his petition to the Dewan in open Durbar, but could get no redress.

No. 15, a Patel in the Patan Purgunna, states that, in 1871, on the refusal, from poverty, of his village to pay the "Accession Nazarana," some sepoys sent to collect it took 20 of the villagers, and placed them in the open with their hands touching their toes, and with heavy stones on their backs, and kept them so for fully three hours. They then agreed to pay the tax, and sold their cattle and grain to enable them to do so. Twenty families of cultivators and 15 of Kolis then left the village, and none of them have returned. Similar oppressions have been practised in other villages. Deponent petitioned against the tax, and was in consequence imprisoned for 13 days at Baroda, by order of Hariba Gaekwar.

No. 16, a Wuttundar in the Patan Purgunna, of the same village as the preceding deponent, makes a similar statement to his. He adds that, besides the 35 cultivators and Kolis, five shepherds also have deserted the village.

No. 17, a Patel in the Patan Purgunna states that in 1862 some 200 Bhats were collected from different villages, and brought to Patan to be compelled to pay the Inam Committee tax. They were there attacked by sepoys, and eight men and one woman were killed. Deponent saw the

bodies next day, being one of the Panch that was held on them, and was of opinion that they died from sword cuts and other wounds. In 1871-72, to compel payment of the "Accession Nazarana" some 50 men of his village were made to stoop with wooden beams on their backs, and other ill-treatment was practised on others. The money was then paid. Some 200 families left the village in consequence. From personal inquiries in 50 or 60 villages of the Patan Purgunna, deponent states that some 200 families, chiefly Kanbis, have quitted it owing to the high taxation, and the oppression practised in its realisation. Deponent was not personally ill-treated.

No. 18, a cultivator of Naosari Purgunna, states that the "Accession Nazarana" was levied from his village in 1871–72 by force. The Brahmins were kept in custody for one or two days, and their cattle tied up. The Kanbis were made to touch their toes, carry stones on their backs, and so the money was realised.

No. 19, a cultivator of Naosari Purgunna, states that payment of the Government dues is enforced in his village by making defaulters hold their toes, burying them in hot sand up to the knees, putting weights on their backs, forbidding them access to wells or tanks, and so on.

The "Accession Nazarana" was paid in deponent's village two years ago with difficulty by borrowing money for the purpose. Deponent has himself been ill-treated to compel payment of his land assessment. Some ten families have left his village consequent on the oppression practised.

No. 20, a cultivator of Dehgam Purgunna, states that, in January 1873, 13 of his fellow-villagers were imprisoned for non-payment of the Inam Committee tax. In the evening they were taken to the river and made to hold their toes, and were so kept all night. From the exposure and cold, deponent's brother, who was one of the number, died. Upwards of 50 families then left the village. Deponent petitioned the Maharaja about his brother's case, and an official was sent to investigate it, when the offender was convicted and fined Rs. 1,000 by the Maharaja, his lands being also attached.

No. 21, a cultivator of the Khangi Mahal, states that in 1870 the rates of assessment were so raised in his village that they could not be paid, whereupon the village accountant made nearly every villager stand touching his toes, with weights on their backs, and thus compelled payment. Deponent saw this, but was not so treated himself. Some fifty families of Kanbis left the village in consequence. In 1872 the "Accession Nazarana" was levied similarly, their women and children being turned out of their houses, and their noses and ears being pulled.

No. 22, a cultivator of the Khangi Mahal, states that, about two years ago, he and other men of his village, who were too poor to pay the "Accession Nazarana" were compelled to stand in the sun holding their feet, while stones were placed on their backs, till they were bent down by the weight, and others were put in the stocks till they agreed to pay up. Deponent petitioned the Gaekwar, but was told that they must all pay their dues.

No. 23, a cultivator of the same village as the preceding witness, deposes to the same effect, and states that he and all who refused, or were unable to pay the Nazarana, were tortured as described, and in various ways, to compel compliance.

No. 24, of the Dhabhoi Purgunna, states that, in the beginning of 1873, payment of the "Accession Nazarana" was enforced in his village by similar ill-treatment to that described by the other deponents, and that he himself was subjected to it. In the end of 1872 the Vahivatdar summoned deponent, and demanded Rs. 4,000 from his village as its share of a "sadhnukri" tax he was levying to recoup himself, as he stated, for a Nazarana of Rs. 35,000 which he had to pay to the Sarkar on his appointment. Deponent refused to pay this levy, on which he was seized by order of the Vahivatdar, and taken to the top of the house he was occupying, and there tortured in various ways till he agreed to pay up Rs. 1,900 on this account. Of this sum Rs. 1,000 have been paid, and "Mohsals" have been imposed on the village to enforce payment of the balance. Other villages were similarly ill-treated in this matter.

The same Vahivatdar also enforced the levy in the same way last year of a tax of Rs. 225 on deponent's village, for providing clothes for his newly-married wife. Consequent on these oppressions 50 families left the village. The villagers petitioned the Maharaja on the subject, but got no redress; on the contrary, the bearer of the petition was imprisoned by the Vahivatdar.

No. 25, a cultivator of Dhabhoi Purgunna, the bearer of the petition referred to by the preceding complainant, states that in March last he was deputed by all the villages of the Purgunna to go to Baroda, and complain of the tyranny practised towards them by the Vahivatdar in compelling payment of the illegal cesses imposed by him. Deponent has himself witnessed the ill-treatment and hardships to which the people have been subjected by this official, and describes them as stated by previous complainants. He presented a petition on the subject to the Gaekwar, but received no attention, and was driven away by the sepoys. As a punishment for presenting the petition, the Vahivatdar afterwards seized and confined him in his house for three days, when he managed to escape.

No. 26, a cultivator of Kheiralu Purgunna, states that the rates of assessment have, of late, been repeatedly raised, and improper cesses imposed in his village. In 1867–68 a Karkun came and practised all sorts of ill-treatment on the villagers, as already described, because they would not pay up. The Vahivatdar was subsequently changed, but the same sort of oppression was continued to compel payment of these demands, and 50 villagers left the village in consequence. Deponent petitioned the Gaekwar repeatedly on the subject, but got no redress.

2. The statements of the complainants in this group of grievances being generally a mere repetition of the various modes of ill-treatment practised towards them to compel payment of the Government land revenue and taxes, the Commission deems it unnecessary to record further individual depositions on the subject.

The 26 deponents whose statements are summarised above belong to eight different Purgunnas, and the Commission has taken verbal statements from 155 other complainants who belong to these and six other Purgunnas and have attended to submit the same. The whole of these persons depose to the practice by the Durbar officials of the same system of personal ill-treatment towards the inhabitants of the villages to which they belong, to enforce payment of the land assessment and the taxes and cesses demanded of them.

| | | | |
|---|---|---|---|
| Pitlad Purgunna | 11 | Pitlad Purgunna | 43 |
| Sinor „ | 3 | Patan „ | 15 |
| Patan „ | 3 | Khangi „ | 19 |
| Khangi „ | 3 | Dhabhoi „ | 1 |
| Naosari „ | 2 | Kheiralu „ | 1 |
| Dehgam „ | 1 | Damala „ | 3 |
| Dhabhoi „ | 2 | Kadi „ | 33 |
| Kheiralu „ | 1 | Baroda „ | 27 |
| | 26 | Vaghadra „ | 4 |
| | | Teladi „ | 8 |
| | | Saoli „ | 1 |
| | | | 155 |

In addition to these complainants, the Resident states that some 300 more who have attended at the Residency are desirous to come before the Commission, and represent the similar hardships and ill-treatment to which they and the inhabitants of their respective villages have been subjected, but as the evidence already taken appears to be ample for the object in view, and it is very undesirable to continue the excitement that already exists amongst this class of complainants in connexion with the inquiry in progress, he is informed accordingly, and requested to recommend them to return to their respective villages.

3. The Durbar agent states that while the Durbar neither admits nor denies the truth of the allegations made by the complainants, it believes that their description of the ill-treatment to which they have been subjected is considerably exaggerated, if not totally false. The probable truth is that when they refused to pay the Government dues they were kept in confinement for short terms with a view to enforce payment. If anything beyond this was done, which it does not admit, it was so without its sanction. The rules in force do not permit such proceedings as those complained of, and a general circular issued in February 1873 distinctly prohibits the exercise of any ill-treatment of any persons by the Durbar officials. (A copy of this circular is handed in, and will be found in the file of this case.) The conduct of the Durbar has been in accord with the spirit of this circular, and all complaints of oppression reaching the Durbar have been regularly inquired into, and the parties guilty thereof punished. With regard to the land assessment, and the "Accession" and other Nazaranas complained of, the former having been fixed for a term of 10 years, when prices of produce were high, may now appear excessive, but the term is about to expire, and a new settlement will be made in accordance with the circumstances of the cultivators. The Nazaranas, generally, were levied according to previous custom, and the "Accession Nazarana," specially, was so with the knowledge of the then Resident, Colonel Barr.

With regard to the statements that have been made relative to the action of the Government towards the Bhats and Brahmins of Patan and Pitlad in 1865, the Bhats of Patan were ill-disposed to Government, and were required to give security to keep the peace. They declined, and went about from village to village committing self-immolation, and even killing their own associates. The Government officials killed none of them.

The Sojitra (Pitlad) Bhats and Brahmins refused to pay the Inam Committee tax, and were moving people against the Government. A force was sent to arrest them, and twelve of the ringleaders were seized and brought to Baroda, where they were tried and sentenced to imprisonment. While in jail three or four died from natural causes. The present Chief has exempted these classes from paying Inam Committee tax.

4. The Resident's final statement in this group of cases, dated 5th January 1874, which will be found in the file, challenges the Durbar's remarks, as summarised above, in reply to the depositions made before the Commission; and, in reference to the circular alleged to have been issued in February 1873, forbidding the ill-treatment of ryots by the Durbar officials, observes that "the "system of farming out Vahivats and other offices, judicial and executive, initiated by the present "administration, together with the prevalence of bribery and corruption, fosters the very abuses "which the circular was supposed to suppress, and thus it will continue to be in this unfortunate "State, so long as the present administration is in power."

## General Observations and Opinion of the Commission.

I. The statements made before the Commission describe various sorts of personal ill-treatment and oppression alleged to have been practised by the Durbar officials, during the last ten years, on the complainants and their fellow-ryots, to compel payment of the Government dues and other collections demanded by such officials.

II. The items of demand referred to by the deponents are chiefly, (1) the increased rates of assessment imposed under the ten years' settlement in 1864; (2) the levy of the Inam Committee tax in 1864–65; (3) the levy of a heavy Nazarana (apparently general throughout the State) by the late chief's minister, Bhow Scindia, on his appointment to the Post of Dewan in 1867; (4) the imposition by certain Vahivatdars in 1872 of private levies on the ryots, to recoup themselves for alleged payments of Nazarana to the Durbar on their appointments; (5) the levy of the "Accession Nazarana" tax in 1871–72.

III. As regards these several items it would appear that (1) the ten years' settlement of 1864 was made at a time when the prices of produce were much higher than has been the case for some time past, and that it probably, even then, pressed heavily on the ryots. The fall in prices has no doubt rendered it difficult to pay the high assessment imposed under it, and this is in a measure admitted by the Durbar agent, who states that a new settlement will be made on the approaching expiry of the present one, in accordance with the circumstances of the cultivators.

(2). The Inam Committee tax was devised by the late Chief in 1864, and consists of a special cess of two annas in the rupee on the annual valuation of all Inam holdings. The levy of this

tax appears to have been an arbitrary measure, as no benefit of any sort seems to have been bestowed on Inamdars to reconcile them to its imposition.

(3). The circumstances of the levy of a Nazarana by the late Dewan, Bhow Scindia, on his appointment to that post, have not been stated to the Commission, and are not known by it, but it appears to be probable that it was in accordance with the custom of the State, and it must, it is presumed, have been known to, and been sanctioned by, the late Chief, Khunderao. The hardship of imposing such levies where a fixed land settlement exists is obvious.

(4). The levy by the Vahivatdars of money from the ryots, to recoup themselves for the payment of Nazaranas to the Durbar on their appointment, is a common practice in one form or another in many native states, and was formerly universal. It is, however, inconsistent with a fixed land settlement, and, where the latter exists, such extra levies cannot but involve great hardship on the ryots.

(5). The "Accession Nazarana" was devised by the present chief, and was imposed by him after ascending the Gadi, with, the Durbar agent states, the knowledge and concurrence of the then Resident, Colonel Barr. This tax consists of a special cess of 25 per cent. on one year's rental of all Government lands, and of 40 per cent. on one year's valuation of all Inam lands. Such a cess has never, it appears, been levied before in the State, and its imposition no doubt added seriously to the previously heavy burdens borne by the people.

IV. The responsibility of the present Chief and his administration, in respect of these five heads of grievance, is thus seen to be limited (1) to the alleged levy of Nazarana from the Vahivatdars on their appointment, and to the consequent measures of these officials to recoup themselves from the ryots; and (2) the imposition of "Accession Nazarana" at the rates stated, together with the oppression and ill-treatment practised to enforce the collection of the same.

V. With regard to the payment to the Durbar of Nazarana on appointment by the Vahivatdars, the Durbar agent has confined himself to the general statement that "the Nazaranas were levied according to previous custom;" and it is therefore to be inferred that the fact is not disputed. The Commission has no means of knowing what the ordinary amount of such payments is in the Baroda State, but while well aware of the existence of the practice as already stated in many native states, it cannot hesitate to condemn it as an inevitable and fruitful source of abuse and oppression, and one which the Maharaja should be urged to abolish absolutely, as being utterly inconsistent with good Government.

VI. As regards the "Accession Nazarana," the Commission has no reason to doubt the statement that the imposition of this tax was known to and concurred in by the then Resident. There can, however, be no doubt that the tax is altogether a novel one, and that its imposition has been productive of serious hardship to the people; and the Commission considers that the Maharaja's attention should be strongly drawn to the fact that such levies are wholly inconsistent with a fixed land settlement, the terms of which are virtually broken by their exaction, and that he should be urged, in the introduction of the new settlement now at hand, to declare that no such levies shall in future be made from the ryots by the Chief, or for State purposes.

VII. Lastly, as regards the alleged ill-treatment and oppression practised on the ryots as stated by those who attended the Commission, there appears to be no ground for doubting that such has been the common custom for enforcing the collection of the revenue. The punishments described are generally of the ordinary character in force in such cases in Native territory, and though doubtless painful to the sufferer, do not appear to have been of a very cruel description.

Two instances are deposed to (by Nos. 1 and 20), in one of which, it is alleged, a woman died from the effects of ill-treatment by the Government sepoys, and in the other the deponent's brother lost his life from exposure and cold, to which he had been subjected by the local official. In the former case the sepoys were very inadequately punished with only one month's imprisonment. In the other the case was specially investigated, and the offender heavily fined and his lands attached.

VIII. In considering this part of the case, it is necessary to bear in mind that the practice in native states is to compel payment of the Government dues by seizure of property and personal process, and not by the attachment and sale of the defaulter's lands, as is the case under British rule, and that, however abhorrent personal ill-treatment in any shape in such matters is to the European feeling, it is by no means certain that the ryots themselves would not think it a greater hardship to be deprived of their lands for ever, than to have been subjected to the personal tyranny exercised towards most of the complainants as stated by them.

IX. The Commission is in no way disposed to palliate unjust or harsh measures or proceedings on the part of the Durbar or its officials, but it deems it to be its duty in these remarks to consider such practices as those under advertence, as far as possible, dispassionately, with reference to what its members have reason to believe is common in such matters in other Native States. It is, however, clearly of opinion that the difficulty in realising the Government revenue that has necessitated recourse to such punitory measures in so many instances in this State appears to be chiefly, if not altogether, due to the heavy burdens imposed on the people, and that this should be pointed out to the Maharaja, His Highness being at the same time advised to remove the cause of such difficulty by a moderate and equitable land settlement, and a faithful adherence to its terms in future, all further exactions of every sort or description, whether heretofore customary in the State or not, being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials as those brought to notice in this case being strictly forbidden.

## SCHEDULE II.

### Case No. 4.

## SCHEDULE III.

### Cases No. 10 and No. 14.

### Complaints of certain Vahivatdars.

The general complaint in this group of cases is, that the Vahivatdars, or chief executive officers of districts, after having paid considerable sums of money as gratification to various Durbar officials for their appointments, have been summarily, and often not long after nomination, displaced, without just cause, and without refund of the sums so paid.

The evidence given before the Commission in this group of cases may be summarised thus:—

### I.—Case No. 4, Schedule II.

1. Jethabhai Dallabhai states that in 1872 he agreed to take the Vahivat of Kheiralu Mahal for five years. The revenue exceeds two lakhs. He promsied to pay Rs. 1,000 annually more than had been levied in the previous year. This amount was to be realised from ryots, who had unauthorisedly cultivated land, and who held waste land without paying for it. He paid Rs. 10,000 to Nana Saheb to induce him to give him the Vahivat. This sum was to be paid in one year, in consideration of deponent keeping the office for the five following years. He paid Rs. 5,000 in cash at once, and Rs. 5,000 two or three months after. No entry was made in any account book, and no receipt was given. He got his acquittance from Nana Saheb and went to his Mahal. Six or seven months after a new Vahivatdar was appointed, and deponent was displaced. He could get no explanation, and accordingly complained to the Resident. The gratification of Rs. 10,000 was given to the Minister according to the custom of the State. In addition to the aforesaid sum of Rs. 10,000 to the Minister, deponent paid Rs. 1,500 to Narayenbhai, the Sir Sooba's Karkun, and Rs. 500 to one Gopalrao, the Minister's Karkun, Vakil of the Petlad Mahal. He signed the agreement, but from ignorance of the Marathi (Modi) character in which it was drawn up, cannot testify to the contents. The specified term in this agreement is *one year*, but deponent distinctly understood that he was to hold the Vahivat for five years, an annual renewal for the period of five years taking place, on the payment at Baroda of each year's revenue. Deponent has never heard that any complaints have been lodged against him at Baroda, nor has the Durbar ever informed him that any complaints had been made.

2. The Durbar agent replies that the Mahal was made over in management to deponent for one year only, at the end of which time his successor was appointed; that his case has not been inquired into by the Durbar because he failed to appear, though repeatedly summoned, with proofs of his complaint; that he embezzled public money, and has not given in the accounts of his Mahal; that there are now pending against him before the Durbar several charges of bribery and oppression; and that though directed to return to his Mahal, to give over charge to his successor, he has not done so.

3. the Resident in his final reply to this case, dated 9th January 1874, remarks that the term of tenure, whether the Mahal was let for one year or more, does not in any way affect the charge of bribery; that the fact of deponent having been displaced in *less* than a year is no evidence that the fixed term was one year; that had there been any reasonable hope of settlement of deponent's case, it is most improbable he would not. have availed himself of any opportunity afforded, but that, as a matter of fact, he was in constant attendance on the Minister, trying to get a hearing, and only appealed to him (the Resident) as a last resource; that the charges of embezzlement, bribery, oppression, and contumacy are irrelevant, and that the Resident is aware that, when this case was first reported, attempts were made to buy off petitioner. The Resident concludes by observing that his chief object in bringing forward this case is to illustrate and reform the most pernicious practice of the Minister of a State and the revenue officials trading in high civil and judicial appointments of this kind, a practice which, though more or less always in force, has been carried to excess under the present administration, and which induces men of deponent's class to run heavily into debt under promises which are frequently not realised. The bribe is always retained, and the purchaser of the appointment often ruined.

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### II.—Case No. 10, Schedule III.

1. Vasudeo Shivram states that in 1872 he agreed to take the Vahivat of the Kural Mahal. The revenue was about Rs. 1,06,000 annually. He agreed to pay the Sarkar Rs. 2,000 more than had previously been realised. He knew that many ryots held lands unauthorisedly from having bribed the Vahivatdars not to enter them as holding land, and he intended to recoup this extra sum from such persons. In addition to the agreement above stated, he promised to pay the Minister Rs. 2,000 "sukhdi" for himself as gratification for having given him the place of Vahivatdar, but it was not until this private payment to the Minister had been made that he signed the appointment. Deponent expected to recoup this sum also from the ryots unauthorisedly cultivating land. He saw no entry of this payment made in any account book, nor was any receipt given him. When he went to the Mahal he took with him surveying chains, &c., and began to measure the villages. Then the Patels of these villages offered to make up the excess if he would desist. He did so. He did not consider that he was accepting a bribe from these Patels for suspending these survey operations. He did not realise anything from his Vahivat that year. He had not been in possession more than ten months when the Sarkar sent a Karkun to dispossess him. He does not know why. This Karkun forbad the ryots to pay him

anything, and they obeyed. Consequently deponent got nothing for having stopped the survey operations. He then came to Baroda, and complained to the Minister, whom he requested to refund the "sukhdi," or else to enable him to recover the amount from the Patels. A month before this the Minister had taken in advance from him another gratification or "sukhdi" of Rs. 1,000, and it was only because he had not paid a further call of Rs. 1,000 that the Karkun was sent to relieve him. Deponent has several times petitioned the Maharaja, but ineffectually.

2. The Durbar agent replies that the "sukhdi," or gratification, was received into the treasury and not by the Minister; that a Karkun was sent to dispossess deponent in consequence of his embezzling Rs. 16,000 public money. The levy of further "sukhdi" is denied.

3. The Resident in his final reply, dated 9th January 1874, remarks that the mere statements of the Durbar are entitled to little or no weight, in face of the fact that not a single question was put to this witness when under examination before the Commission; that if deponent had embezzled Rs. 16,000 of public money he might have been convicted and sentenced according to law, but that, as no proceedings whatever were taken against him, the obvious inference is that no crime had been committed at all. The Resident concludes in this case, as in the preceding, by observing that the present grievance is not brought forward so much for the sake of procuring individual redress, as of illustrating a system which has done more to demoralise the revenue administration than anything else; that the farming system, at all times bad for the agricultural population, is especially vicious when the farmers themselves hold their farms on the most precarious tenure, as then the collection of the revenue becomes merely a scramble among the officials, each endeavouring to collect the largest amount during his tenure of office.

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## III.—Case No. 14, Schedule III.

1. Dalpat Prema states that in 1871 he and two others, named Shankar Lalji and Daji Pandurang (the latter did not appear before the Commission) entered into a written agreement with the Gaekwar's Government to take the Vahivat of the Vasravi and Gala Mahals of the Naosari Prant for five years. They were to pay Rs. 10,000 during the first year, in excess of what previous Vahivatdars had done, by a careful collection of the revenue, and looking more closely after cultivation. The Vahivat was to be continued to them for five years, and it was distinctly so stated in the written agreement. In addition to the above extra payment, they agreed to give a Nazarana to the Minister of Rs. 5,425, and to furnish security for carrying on the work properly. They were in joint management of the Mahals for 1½ months, when, security not having been furnished, they were deprived of it. They paid the Nazarana, or gratification, to the Minister in two sums; the first sum of Rs. 2,000 was paid in Naosari, and the second of Rs. 3,425 at Baroda. They got no receipt for this money, and all they now want, since they have been turned out, is to get back this sum of Rs. 5,425. They asked the Minister for its refund, but ineffectually, and they also petitioned the Surat Collector, who forwarded their petition to the Resident.

2. Shankar Lalji states that he took the farm of the Mahals of Gala and Vasravi in Naosari, in company with Dalpat Prema and Daji Pandurang, but has no personal knowledge of the terms or details of the agreement or Nazarana. His cousin and sub-sharer, Dalla Khushal, can give particulars.

3. Dalla Khushal states that in company with his cousin, Shankar Lala, and others, he took the farm of the Vahivat of Vasravi and Gala for 1872 in 1871. He paid, to secure the Vahivat, a Nazarana of Rs. 6,500 to the Minister in three sums, Rs. 2,000 in Naosari, and two sums of Rs. 3,425 and Rs. 1,075 at Baroda. Deponent says that they only remained in possession for 1¼ months, when through some treachery they were deprived of it. Deponent came to Baroda, and demanded the refund of the gratification to the Minister, but the Minister imprisoned him for a day and a night. He was released on security, and told to go to Naosari. It was stated in the agreement that security for the proper performance of the work was to be furnished within one month from date thereof. This security was offered accordingly, but was not accepted. Deponent made no complaint to the Maharaja, and when he complained to the Minister, the Minister put him in jail.

4. The Durbar agent makes no reply to these statements beyond observing that they summoned 1st deponent to appear before His Highness with proofs of his complaint, and that as he failed to appear, his case was not inquired into. The 3rd deponent was imprisoned for a deficiency in his accounts, which he was required to make good.

5. The Resident, in his final reply to this case, dated 26th December 1873, summarises the evidence of the complainants, who, together, paid to the Minister, Nana Saheb, an aggregate sum of Rs. 11,925 as Nazarana for the privilege of farming the two Mahals in question for five years, but were deprived of their farms within 1½ months. They consequently demand the refund of the amount so paid. The Resident remarks that he has brought forward these cases to prove that the Minister has been in the habit of selling Vahivatdars' appointments, and that had the Commission considered it necessary to go fully into the question, complete proofs of the nature and details of such transactions would have been afforded. With reference to the Durbar agent's remark that Dalpat Prema had not been sent up to them for examination by the Resident, Colonel Phayre replies that his reason for acting as he did will be found recorded in paragraph 4 of his letter to Government, No. 173–852 of 18th September, in which he brought to notice the impossibility of subordinates sitting in judgment upon the acts of a superior, that superior being the Minister of the State, in full possession of his ministerial duties. He further remarks the extensive scale upon which local subordinates, from the Vahivatdar down, are obliged to extort

money in various ways, in order to reimburse themselves for their heavy payments to the Minister and other Durbar officials. Hence complaints against the system of Nazarana and sale of offices are justly, it is said, universal throughout the Gaekwar's dominions; and when it is considered that the Vahivatdar of a Mahal is not simply a farmer of land revenue, but the sole executive and judicial authority of the district, carrying with him, locally, the entire authority of Government in both civil and criminal departments, some idea of the importance of the office of Vahivatdar may be formed, an importance quite unknown in British districts; and when it is added that the pay of the appointment is generally small, that large sums are offered to obtain the post, that every other office is sold to the highest bidder, and that bribery and corruption prevail in all quarters, it is not to be wondered at that the people are oppressed, that justice is sold, life and property insecure, and in short that the whole machinery of Government is obliged to have recourse to unlawful means to extort money from the people. The Resident concludes his remarks by stating that the above observations apply to the whole group of bribery cases, as exhibiting their effects upon the revenue, police, and judicial administrations, in all of which violence is resorted to, to extort confessions and agreements as well as money.

### General Observations and Opinion of the Commission.

I. The complainant in the first of the above cases deposes that in 1872 he paid the Minister a Nazarana of Rs. 10,000 and Rs. 2,000 to the subordinate Karkuns, for the Vahivat for a term of five years of the Kheiralu Mahal, the revenue of which he agreed to increase by Rs. 1,000 annually, but that he was deprived of the post at the end of six or seven months.

The Durbar states that his appointment was only for one year, as shown in the agreement produced before the Commission; that his case has not been inquired into because he failed to appear; and that he stands charged with the embezzlement of public money, and not having rendered the accounts of his Mahal. It does not call in question the allegation of the payment of the Nazarana, &c., and this appears therefore to be admitted.

II. The complainant in the second case deposes that in 1872 he paid the Minister a "sukhdi" of Rs. 2,000 for giving him the Vahivat of the Kural Mahal, the year's revenue of which he agreed to increase by Rs. 2,000. The Minister would not sign the appointment until the money was paid. He subsequently paid Rs. 1,000 more, in part of a second "sukhdi," but was deprived of his Vahivat after holding it only 10 months altogether.

The Durbar states that the "sukhdi" of Rs. 2,000 paid by this complainant was received into the treasury, and that he was dispossessed because he had embezzled Rs. 16,000 public money. The levy of the second "sukhdi" of Rs. 1,000 is denied.

III. The complainants in the third case depose that in 1871 they agreed to take the Vahivat of the Vasravi and Gala Mahals for five years, and to increase their revenue by Rs. 10,000 annually.

The 1st deponent states that they paid the Minister a Nazarana of Rs. 5,425 for the joint appointment so conferred on them, but that as they did not furnish the security required they were deprived of it at the end of 1½ months.

The 2nd deponent states that he has no personal knowledge of the terms or details of the agreement or Nazarana on which the farm was taken by them.

The 3rd deponent states that the Vahivat was conferred on them for one year, viz., 1872 only; and that he paid the Minister Rs. 6,500 as Nazarana for it; that security, as required in the agreement, was offered but was not accepted, and that on his complaining to the Minister of their being deprived of the Vahivat he was put in jail. (*Note.*—There is a discrepancy between the statements of the 1st and 3rd deponents as to the term of the appointment and the amount of Nazarana paid.)

The Durbar agent states that the 1st deponent has been summoned to appear before the Durbar with proofs of his complaint, but that he has failed to attend. The 3rd deponent was imprisoned in consequence of a deficiency in his accounts which he was required to make good.

IV. The Durbar has admitted the levy of "sukhdi" as a State Nazarana in the 2nd case, and has not denied the alleged payments in the two other cases.

In reply to the statements of some of the complainants in the group of grievances of the agricultural classes, in connexion with the levy of Nazarana by the Minister, the agent stated that "the Nazaranas, generally, were levied according to previous custom."

The Commission can therefore have no hesitation in coming to the conclusion that the practice, on the part of the Minister, of requiring such payments, on appointments of this and other classes, is the custom of the State.

It further appears that the Vahivatdars have, on the engagement to increase the revenue previously realised, been permitted to undertake the farming of their Mahals, an arrangement, considering the large authority with which they are invested, which clearly opens the door to the grossest abuses, and is wholly inconsistent with good Government.

The Commission is of opinion that the imperative necessity (1) of abolishing absolutely the levy of Nazarana by the State, the Minister, or any lesser authority, on appointments of all or any descriptions in the public service, and (2) of interdicting and entirely preventing any personal interest on the part of the Mahal officials in the collection of the public revenue in their Mahals, should be strongly and authoritatively urged on the Maharaja, and that he should be advised to issue a proclamation notifying the same publicly throughout the Baroda territory, a copy of such proclamation being furnished for the information of Government.

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## SCHEDULE II.

### Cases Nos. 5, 9, 10, 41, 44.

Complaints of Baroda Subjects of personal ill-treatment, amounting to torture, at the hands of the Gaekwar's Officials.

The following is a summary of this class of cases, as deposed to before the Commission.

### I.—Case No. 5.

Complaints against the Vahivatdar of Visnagar, Balvantrao Trimbak. Gross case of torture committed by him on a Brahmin woman of Visnagar.

The only complaint under this head that has been brought before the Commission, in which the Vahivatdar named is concerned, is that of the Brahmin woman, which has formed the subject of a separate inquiry in Case No. 41.

### II.—Case No. 9.

Complaints of (1) Velia Uma, Matadar, (2) Chagan Bania, and (3) Balvant Meru, Bhat of Jagral, Visnagar Mahal, of ill-treatment by the Fouzdar Fattehram.

(1.) Velia Uma states that he was falsely accused by the Fouzdar Fattehram of theft; that his house was searched, but nothing found; that he was taken to the Waghrol Thana, when his hands were tied behind his back, and he was suspended to a "nimb" tree. He was then beaten over the body and arms (the marks of which he shows to the Commission). He was beaten on three occasions; on the last occasion, the Thana Karkun, Raghunath, called on him to confess. Worn out by constant floggings, he at last falsely stated that he had given the gold bricks (which it was said he had stolen) to a Vania, by name Chagan. He had not stolen the bricks, and knew nothing whatever of the matter; but, in consequence of this false statement, Chagan was seized and beaten in the same manner as he had been. One Balla Bhat was also similarly beaten, though deponent did not give his name. Deponent was kept in custody for five days after he was beaten, and was then taken to Patan and confined there for two days, and was only released on his signing a paper to the effect that he had not been beaten or ill-treated. The Bhat Balla made a petition by post to the Durbar, which he concurred in. Deponent is not aware of any inquiry having resulted from this petition, or punishment inflicted by the Durbar. (2 and 3.) Chagan and Balvant Meru make similar statements to that of Velia Uma.

2. The Durbar agent states that the above complaints have formed the subject of inquiry by the Durbar, and that the Fouzdar has been arrested and the case clearly proved against him. The Durbar is accordingly only waiting for complainant to appear, to pass sentence upon the foujdar and his assistant, Raghunath.

3. The Resident, in his final statement, dated 6th January 1874, describes this as a "very serious case," and regrets that the facts have only been partially elicited by the examination of three witnesses before the Commission. He proceeds to anticipate what the results would be of further disclosures. He expresses his satisfaction, however, that the charges have been brought home to the Fouzdar Fattehram, and his accomplice Raghunath, by the Durbar, which has expressed its intention of punishing them.

4. The Commission has taken the evidence of all the parties in this case who have attended before it to give the same; and it is clear from it that the Fouzdar of Patan, Fattehram, was guilty of gross violence and abuse of authority towards them, and probably the other persons also, whose names are stated in the Resident's final letter of 6th January 1874. As the latter have not appeared before the Commission, it cannot express any decided opinion as regards their case.

The official whose proceedings form the subject of the deponent's complaint is the same man who stands charged by No. 10 in Schedule I., with having had him flogged for the purpose of extorting confession of a crime which he never committed.

The Durbar agent states that this man's gross abuse of authority in these instances having been brought to notice, he and his assistant have been arrested and brought to trial, and that the charges having been proved against them, they will be suitably punished on the attendance of the complainants at the Durbar.

The Commission has since learnt that the Fouzdar has been sentenced to two years' imprisonment, and removed from the public service, to which he will not be restored on the expiry of his sentence.

### III.—Case No. 10.

This appears to be a further complaint of the same character as in the preceding case against the same Fouzdar Fattehram, but the complainants have not attended the Commission, and it has not therefore been inquired into.

### IV.—Case No. 41.

The torture of a Brahmin woman named Baini, by the Vahivatdar of Visnagar, Balvantrao Trimbak. The complainant states that last October, being suspected by the Vahivatdar of having received certain stolen property from her brother, her house was searched, but none was found, and she was required to furnish bail for Rs. 500. Subsequently she was summoned to the Vahivatdar's kutcherry, where she saw her brother and a companion of his beaten, and was told that the former had implicated her, and she must confess. She denied knowing anything of the matter, on which she was imprisoned, and her house attached. On the following day she was again brought before the Vahivatdar, who threatened that she should be beaten and the skin taken off her, and as she persisted in her denial, one of his sepoys by his order commenced ill-treating her, by beating her with his fists and pushing her about, and not allowing her to sit down. The

following day she was again taken before the Vahivatdar, who said that without a severe beating she would not come to her senses, and ordered chillies to be brought to torture her, using at the same time most indecent language towards her. Red chillies were brought and bruised and put in small bags, and complainant was then taken by two sepoys behind a purdah, which had been put up for the purpose, at the end of the kutcherry, in which the Vahivatdar and his Karkuns remained. She was then again pulled violently about by the same sepoy as before, who said the bags of chillies should be applied to her private parts if she did not confess. She cried out loudly, but to no purpose. The Vahivatdar then ordered her, with indecent language, to be taken to the stable and the chillies applied. She was taken there by the two men, and her hands fastened to a post over her head, and after partially stripping her, one of them applied one of the bags of chillies as threatened, while the other made indecent gestures at her with a peg. She was again called on to confess, but would not, and cried out from pain and terror. She was then released, and sent back to jail, where she wept all night from pain and shame.

The following day she was again summoned by the Vahivatdar, and told her skin would be stripped off if she did not confess. She still refused, on which she was beaten with a rope. The Vahivatdar then ordered a "tobra", of powdered chillies to be applied to her face, when a cloth containing some was bound round her mouth and nose for ten minutes. She suffered great agony. She wanted water, but they would give her none, and the Vahivatdar sent her back to jail, with the remark that "if she still held out it would cost her her life." Her nose and mouth gave her great pain, but nothing was done to alleviate it.

The following day she was again summoned, and threatened with a repetition of the same treatment. As she still refused to confess, the Vahivatdar ordered the room to be cleared, and the door closed, and beat her himself with a small stick. She would not, however, confess, and was again removed to jail, one of the sepoys offering to get her released if she bribed him, but still using insolent and threatening language to her.

The following day, under the promise of being released, and the terror of further torture, she made a false statement, when she was released on bail.

2. The Durbar agent states that immediately the case was brought to the Durbar's notice by the Resident the Vahivatdar was suspended, and a close and searching inquiry instituted, which is still in progress. In the event of the charge being proved, a most exemplary punishment will be inflicted on the Vahivatdar.

He subsequently informed the Commission that sufficient evidence had not been adduced to warrant a judicial conviction, but that as there was reasonable ground for the presumption that the complainant had been treated with violence, the Durbar had decided to dismiss the Vahivatdar and the peon named by her as having so ill-treated her, and to declare them also unfit for re-employment in the Gaekwar's service. The Durbar also had ordered Rs. 200 to be paid to the complainant as compensation.

3. The Resident, in his final statement, dated 6th January 1874, comments on this case, and observes that there is habitually a failure of justice in such instances, where the chief criminals are high officials in the Durbar's service; that the Resident has repeatedly brought to the Durbar's notice the notorious behaviour of this Vahivatdar, but that his representations have received no attention whatever, he being a protegé of the Sir Fouzdar; that he has served in several districts, in all of which numerous complaints have been made against him, and he is stated to have been dismissed by the late Chief, and declared ineligible for further service. The Resident adds his conviction that torture is systematically employed by the chief officials in all the Baroda Mahals, and that the crime is winked at by the Durbar.

4. The Commission having heard the statement of the complainant in this case, who appears to be a respectable and truthful woman, has no doubt that she was subjected to ill-treatment of the shameful character deposed to by her, though her statement has not been supported by evidence before it, to render it complete for the legal conviction of the Vahivatdar. The course proposed by the Durbar for adoption towards the Vahivatdar, who is clearly a most unfit person for employment in so responsible a post, appeared to the Commission to be hardly satisfactory or adequate to so atrocious an offence, but the Maharaja took occasion, on the members paying His Highness a farewell visit before leaving Baroda, to inform the President that, on further consideration of the circumstances, he had decided to sentence the Vahivatdar to two years' rigorous imprisonment, and to forbid his further employment in his service.

The case being thus disposed of, the Commission can only record its opinion that it furnishes a horrible instance of the abuse of power and the suffering to which respectable people are liable, directly consequent on the employment by the Durbar of unfit and untrustworthy men in such responsible posts.

## IV.—Case No. 44.

Complaint of one Kasiram Ambaram, of Sidhpur, in Patan.

This case has been included in this group, in consequence of its having been referred to by the Resident as one of violent personal ill-treatment by the then Fouzdar of Patan, one Nalchand, of one Andra Sundra of that district, and his wife, both of whom are stated to have been severely flogged by the Fouzdar's order, and to have died in prison from the ill-treatment so received. The complainant, Kasiram, has not, however, attended, and the case has not been inquired into.

The Commission can therefore offer no opinion on its merits, but it observes that it appears to have occurred four years ago, and that the allegations would seem to rest altogether on the simple petition of the complainant.

GENERAL OBSERVATIONS.

V. The Commission is satisfied, from the circumstances connected with the cases brought forward in this group, and other instances that have come to its notice, that many of the officials of the Vahivatdar class in this state are seriously unfit for their responsible duties, and that the employment of such persons must involve a very large amount of misgovernment within their respective charges, which probably never comes to the Durbar's knowledge. Where, as in the case of Balvantrao Trimbak (Case No. 41), they are protegés of any of the members of the Durbar they appear to be practically subject to no real control, and to be able to do with impunity almost as they like.

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CASES NOS. 30, 65½.

COMPLAINTS of certain WOMEN, inhabitants of the village VARIAO, in the NAOSARI PURGUNNA.

1. The substance of the petitioners' grievance is that though their husbands are dead or absent, and they are unable to cultivate the land registered in the Revenue Department in their husbands' names, they are compelled to pay the assessment falling due thereon, and are not permitted to resign the lands. Some of the petitioners who left the village have been forced to return, and have been subjected to all kinds of ill-treatment. Where the land has even been leased to other parties, the petitioners are still held responsible for any deficiency in the Government demand for it.

2. The Durbar's explanation of this case is that no land is let out by it under settlement for 10 years, except on the understanding that the lessee or his heirs and assigns, if he dies, shall be answerable for the full and regular payment of the Government demand on the same, for the entire term of the settlement, and that security is further, as a rule, required to ensure the due fulfilment of this contract.

Where the land is leased out to other parties in consequence of the representative of a deceased or absent lessee, or the latter's security, being unable to cultivate it, such representative and security are still held answerable for any deficiency in the full amount of the original Government demand on the part of the persons to whom it is let out for cultivation, and it has been always customary to exact the same.

3. The Commission has no reason to doubt the correctness of the explanation of the grievance under this head afforded by the Durbar agent, and is of opinion that the case is one in which its interference is not warranted.

Looking, however, at the undoubted hardship inflicted on the petitioners by the grievance represented by them, the President of the Commission requested the agent to have their case laid before the Maharaja without delay, in view to the same receiving His Highness' consideration, and in the hope that the relief of the petitioners from the liability under which they now suffer may be sanctioned by him.

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CASE NO. 32.

GENERAL ATTACHMENT of WUTTUNS throughout the BARODA STATE.

1. No depositions have been taken by the Commission in proof of the general attachment of Wuttuns, as the fact was notorious, and admitted by the Durbar.

2. The Durbar agent states that about 8 or 10 years ago His Highness the late Khunderao attached all Wuttuns pending inquiry, and that His Highness Mulharrao has issued a proclamation removing the attachment, by which arrangement they will be restored and continue to be held as heretofore, until the right of the parties has been formally adjudicated.

3. The Resident, in his final statement on this case, dated 6th January 1874, observes that the titles of the Wuttundars are more ancient than that of the Gaekwar himself, and that the general confiscation of Inams and spoliation of all classes by the present administration have caused the greatest alarm and discontent.

4. It is admitted that the attachment of Wuttuns complained of was the act of the late Gaekwar 8 or 10 years ago, and that the present Chief is only responsible for not having removed it, which was, under the circumstances, hardly perhaps to have been looked for at his hands. This he has, however, now consented to do, and the Commission would suggest that he be advised to adopt some equitable method of dealing finally with the questions at issue, in regard to the vatans of the State, with the least possible delay, so as to remove all ground for anxiety or discontent amongst these classes.

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CASE NO. 35.

COMPLAINT of FAKIR SHAHA SAHIB.

The complainant's statement is summarised as follows:—

Complainant came to Baroda between two and three years ago, from Southern India, and lived at a dharamsala near the railway station; used to write general Baroda news to a newspaper published at Rampura in Moradabad, but wrote nothing against the Gaekwar or his Government; did write instances of "zulum" (oppression) that he saw; was arrested about

11 months ago in consequence of a person with whom he had a quarrel informing the Durbar that he wrote to the paper in question, and was taken to the Fouzdari, where his deposition was recorded, and, on his admitting that he had written to the paper, he was sent to jail; was not told his sentence, but saw the warrant in the hand of the sepoy who escorted him, and that he was sentenced to imprisonment for 12 years, with Rs. 1,000 fine, or five years' further imprisonment in default of payment. The deposition of one Nathu Patel was taken at the same time, but did not refer to the charge against complainant of writing to the paper, for which he understood he was punished. After nine months' imprisonment complainant was released at the instance of the Resident. When he was arrested his property, of about Rs. 25 value, was attached and sold, and, on his release, he was given Rs. 4, which it had realised, and Rs. 2 more to pay for a railway ticket to Bombay. He, however, went to the Residency to tell his story, and was given a pass to remain at Baroda. Subsequently, being discovered when bathing at the river by some Baroda sepoys, he was conducted out of Gaekwari territory, and threatened with imprisonment if he again entered it.

Complainant admits that five manuscript papers in the Urdu character, produced before the Commission by the Durbar agent, are in his handwriting, and that the signatures on three other papers similarly produced are his own.

2. The Durbar agent states that a regular inquiry was instituted into the case against the complainant, that the papers produced before the Commission, which he admits were written by him, show the libellous nature of his letters to the newspaper, and that he thereby committed an offence against the Maharaja personally and his government. He was accordingly sentenced to 12 years' imprisonment, but was released on the Resident's recommendation that he should be expelled from Baroda territory. The agent denies that the Durbar ordered his expulsion, notwithstanding his being in possession of a pass from the Resident to remain, and adds that the Durbar considered him to be one of its own subjects, and that it was justified in the action it took against him.

3. The Resident, in his final statement in this case, observes that the Durbar's explanation, though plausible, does not afford information as to the real cause by which it was actuated in passing so severe a sentence on the complainant; that the latter was suspected of publishing libellous statements, on the strength of certain manuscript papers found in his possession, but that he denies that these were published, and the Durbar has failed to offer any proof that they were so. Complainant declares that he only wrote the truth in the papers produced before the Commission, and there is no legal evidence forthcoming to warrant so severe a punishment. The Resident then remarks that there must have been another cause for the latter, and states that he was prepared to give evidence that such cause was to be found in complainant's connexion with the case of a house servant of the Maharaja's, who is said to have been poisoned under aggravated circumstances. The Resident further avers that his interference in this case was based on the sole ground that complainant was a British subject, and that had the Durbar furnished its proceedings to him when demanded by him it could not have represented the case to the Commission in the aspect it has brought it forward.

4. The Commission has given this case very careful consideration, and finds itself unable to adopt the Resident's view of it, which is based on extraneous information which has not come before it, and on the trustworthiness of which it can form no opinion.

In the first place the complainant was not stated in the Schedule to be a British subject, and himself put forth no claim before the Commission to protection on that score, nor has anything transpired in connexion with him or his case to show that he has any title thereto. According to his own account he is a wandering Fakir, and came to Baroda three years ago from the south of India, and appears to have no claim to any special nationality. Next, following his own deposition, which is that with which alone the Commission has to deal in the case, he was arrested on information given against him by a person with whom he had a quarrel, of his being in the habit of writing to the public papers, and admitted the fact. He does not state that the manuscripts produced before the Commission were then shown to him, but as these manuscripts contain the libellous statements which formed the subject of the charge against him, and for writing which he himself understood he was punished, there can be no reasonable ground for doubting that they were so. The manuscripts in question, which are admitted by the complainant to be in his own handwriting, proved on perusal by the Jeypore Minister, who is one of the members of the Commission, to contain a string of highly defamatory statements regarding the Maharaja personally, which, however founded on fact, were no doubt grossly exaggerated, and could not but render the writer liable to a very severe punishment in any Native State in India; and, after hearing their purport, the Commission is quite of opinion that, however they came into the hands of the Durbar, it was fully warranted in taking proceedings against him in connection with them, and in punishing him therefor on his own acknowledgment that he had written them.

The Commission, however, at the same time, considers that the sentence was very excessive, and, though the complainant is, in its opinion, altogether undeserving of sympathy or interference on his own account, it has no doubt that the action of the Resident in his behalf appeared to be warranted under Colonel Phayre's view of the case, and that complainant's escape from the long term of imprisonment imposed on him may be regarded as a not unsatisfactory result of that action.

## SCHEDULE II.

CASES NOS. 37 AND 61.

## SCHEDULE III.

CASES NOS. 1 AND 4.

GRIEVANCES of the STATE and other BANKERS at BARODA.

The case of the grievances of the banking firms is referred to by the Resident in his letters to the Bombay Government, No. $\frac{107}{573}$, dated 28th June 1873 (paras. 13 and 14), and No. $\frac{149}{772}$, dated 21st August 1873 (para. 3).

The following is a summary of the evidence laid before the Commission in the above cases :—

### I.—CASE No. 37 of SCHEDULE II.

1. The complainant, a youth of 18, the head of the old State Bank of Hari Bhagti, of Baroda, states :—

(1.) On his adoption by the then head of the firm, the latter paid 5 lakhs as Nazarana to the State.

(2.) In 1863, when he was a child, his adoptive father being then dead, the late Gaekwar exacted from his mother a bond of 20 lakhs of rupees, which, on the allegation of a Goomasta, His Highness claimed to be due by the firm to the State. Some five or six years subsequently, during which six lakhs had been paid up in part of this amount, proof was adduced that the money was not really due, and Khunderao remitted further payments on the bond and ordered the refund of the six lakhs then paid up. He, however, neither repaid this amount nor restored the bond, though he lived for a year and a half or two years longer. The present Chief has restored the bond, but has not refunded the six lakhs.

(3.) Rs. 75,000 were lent by the firm to the present Chief, as a private transaction, before he succeeded to the Gadi, and immediately after his accession complainant was compelled to give him an acquittance thereof.

(4.) Some seven or eight months ago he was similarly compelled to lend some diamonds and other valuable jewels, of the value of which he is ignorant, to the Maharaja, by whom they were kept, subsequent to which the bond for 20 lakhs was returned to him.

(5.) At the Dewali, in 1872, deponent was required to give up to the Maharaja an emerald necklace worth four or five lakhs of rupees, to redeem which from the person to whom it was mortgaged the Government lent complainant two and a half lakhs, of which sum he has since repaid Rs. 1,60,000, and at the same time His Highness took a chandelier and clock from his house.

(6.) About the same time complainant was compelled against his will to give the Government credit to the amount of Rs. 25,000 on account of the appointment of a certain person as cashier to Government, merely because his Goomasta had promised that such should be done.

(7.) In 1871 the present Chief resumed four Inam villages and cash allowances, aggregating Rs. 20,000 in value, and took possession of a garden at Baroda, all belonging to the firm. The Sanads for the villages are produced and are admitted by the Durbar agent to be genuine.

2. The Durbar agent replies:—

(1.) The levy of a Nazarana of five lakhs by the late Chief on complainant's adoption was made in accordance with the custom of the State.

(2.) There is no record of the late Gaekwar's having ordered the return or cancelment of the bond for 20 lakhs. It was returned by the present Chief, on the representation of complainant's manager, to prevent the firm being ruined, and complainant then presented a Nazarana of the emerald necklace and other ornaments, Rs. 25,000 in cash, and the garden in Baroda.

(3.) The acquittance for the loan of Rs. 75,000 was given by complainant voluntarily.

(4.) Complainant offered a Nazarana of Rs. 75,000 for the removal of the manager of the firm appointed by the late Chief, and gave a bond for that amount. He afterwards solicited the re-appointment of the same man, and his request was complied with.

(5.) As regards the resumption of the Inam villages, and the stoppage of the cash allowances enjoyed by the firm, all debts due to the latter from the State having been paid off, the continuance of such grants was no longer necessary.

3. The Resident, in his final statement on this case, dated 3rd January 1874, enters into some matters which have not been noticed by the complainant in his deposition, and calls in question the accuracy of the Durbar agent's explanation on all the points on which the same has been offered.

There is, however, a discrepancy between his version and that of the complainant before the Commission as to the year in which the payment of instalments on the bond for 20 lakhs exacted from complainant's mother ceased, the former making it 1864 and the latter 1868–69.

4. The Commission deems it better, in considering this case, to adhere to the several items of grievance made before it by the complainant and admitted by the Durbar, and, after due consideration, it has come to the conclusion (1) that the levy of the Nazarana of 5 lakhs, and the exaction of the bond for 20 lakhs, with the payment of 6 lakhs thereon, which occurred several years ago in the time of the late Gaekwar, are matters on which it is not called on to pass an opinion.

(2.) As regards the exaction (*a*) of an acquittance for the Rs. 75,000 due by the present Chief to the firm on account of a loan made by it to him before his accession, and when he was in difficulties; (*b*), of the valuable jewels stated by complainant on the plea assigned by the Durbar,

viz., the return of a bond that appears to have been no longer justly valid, whatever the circumstances under which it was originally obtained; (*c*), of a bond for Rs. 75,000, as admitted by the Durbar agent, for the removal of the manager of the firm appointed by the Durbar itself; and (*d*, the resumption of the Inam and cash allowances held by the head of the firm under hereditary Sanads and enjoyed by him and his predecessors for many years past, the Commission is of opinion that, considering that the complainant in this case was a minor and a ward of the Durbar, which had made its own selection of a manager for the firm, and was therefore in a way responsible for the proper conduct of its business and of its interests, the proceedings thus admitted by the Durbar itself towards an old banking firm of such respectability, and which seems to have possessed many claims to the good offices and support of the State, cannot but be regarded as discreditable and indeed spoliatory.

## II.—Case No. 61 of Schedule II.

1. The agent of Chunilal Dalcharam, banker of Baroda, with branch firms at Bombay, Ahmedabad, and other places, states that Chunilal has been on bad terms since 1866 with the Sir Fouzdar, by whose order, in January 1871, the houses and property of the firm were placed under attachment, and the records and papers removed to his house. Deponent was summoned, and directed by the Sir Fouzdar to make a false statement, implicating a certain person in connexion with an alleged transaction of the late Bhow Scindia, and, under a threat of being imprisoned in fetters, signed two papers, of the contents of which he was ignorant. Four or five months subsequently he was again summoned and told he had been fined Rs. 15,000. On his refusing to pay his debtors were forbidden to pay him their dues, owing to which he had suffered a loss of Rs. 17,000. The branch firm at Visnagar was also attached, but was released three months afterwards at the instance of the Resident. Three months later the attachment on the firm at Baroda was removed, and deponent was released from confinement at his house, to which he had till then been subjected, on his furnishing security for Rs. 15,000 not to leave Baroda.

He received back the papers of the firm 1½ years after they had been taken by the Sir Fouzdar.

Deponent now solicits (1) that he may be allowed to collect his debts and carry on his business without interference; (2), that the fine of Rs. 15,000 may be remitted; and (3), that his security may be released.

2. The Durbar Agent states that it was brought to the Durbar's notice that the complainant had been induced by the late Bhow Scindia to make a false entry in his accounts in order to support a charge of bribery against Captain Salmon, the Assistant Resident, and that the accounts of the firm had been tampered with with this object. The Durbar intended to fine complainant, who offered to pay Rs. 5,000 if allowed to recover his debts, the payment of which it had stopped, and it is now prepared to limit the fine to that amount, and to cancel the security bond when it is paid. The complainant's allegation of his signature having been taken compulsorily to certain documents is untrue. He signed them voluntarily.

3. The Resident, in his final statement on this case, challenges the Durbar's version of its proceedings in it, and urges that there is no record in the Residency of any such nature in connexion with Captain Salmon, and that the action taken against the complainant appears to have been merely owing to personal ill-will and spite on the part of the Sir Fouzdar.

4. The Commission is not in a position to form a trustworthy judgment as to the exact merits of this case, but it infers from the course taken in it by the Durbar that there could have been no formal conviction of the complainant on any specific charge, and it is therefore of opinion that the action taken towards him was arbitrary, and unjust as regards the stoppage of his business.

## III.—Case No. 1 of Schedule III.

The agent and representative of the firm of Motilal Samal, banker of Baroda, with branches at Surat, Ahmedabad, and Bombay, states that the firm was established at Baroda 125 years ago, and, at the period of the accession of the present Maharaja Mulharrao, that it enjoyed from the State cash emoluments and Inam villages, granted to it by his predecessor, of the annual value of about Rs. 35,000, and a Pagah establishment of 62 horses employed in the contingent.

About 15 months ago the whole of these were resumed on the plea of an unfounded claim for debts due by the firm to the State for 50 years past. The sum claimed was Rs. 1,25,000, and the books of the firm were taken and have since been kept by the Durbar. The matter has since been cleared up, with the exception of an item of Rs. 20,000 claimed as court fees in a case in which the firm was specially exempted therefrom by the late Chief, and which the firm therefore objects to pay.

About 15 lakhs of rupees are due to the firm from the Sirdars and Silledars, for the liquidation of which, from their pay, deponent claims the aid of the Gaekwar's Government.

Motilal, the head of the house, went to Ahmedabad on urgent business about the time of the resumptions stated above, and the day after he left, all his property and everything belonging to the firm was attached. He returned from Ahmedabad about six months ago, and was assigned a dwelling in the Baroda Cantonment by the Resident, in which he lived about four months, when he fell ill and went back to Ahmedabad. He died there after a few days.

The firm has lost lakhs of rupees from the Durbar's proceedings, and has been compelled to close its branches. It has lost its credit, and no one will do any business with it.

2. The reply of the Durbar in this case is given in full under No. 21, Case 1, Schedule II., in which that part of the complaint which refers to the resumption of the Pagah establishment, and the emoluments and Inam villages enjoyed by the firm from the State, has been considered and disposed of.

The Durbar agent states—

(1). With respect to the attachment placed on the property of the firm, that this was done in consequence of its head, Motilal, having left Baroda without leave, and there being no one in charge of his shops and property there, that locks and seals were put on the latter, but no list was made out. The Resident was informed six or seven months ago that Motilal was at liberty to come and take possession of his property, but he never came.

(2). With regard to complainant's claim on the Durbar for aid to recover the sums due to the firm by the Sardars and Silledars, that the payment of any sums of this account guaranteed by it will be made according to the terms of the guarantee.

(3). With regard to complainant's claim to exemption from the payment of Rs. 20,000, on account of court fees due by him to the State, that the Durbar denies that such exemption was ever granted by the late Chief, and that the fees demanded are only such as are usual in such cases.

(4). As regards the resumption of the Inam villages, that they were given to the firm, when it had extensive dealings with the State, and large sums were due to it by the latter, in part satisfaction of which these grants were made. When it appeared from an examination of the accounts that the debts were paid in full, the Durbar considered there was no necessity for continuing the grants, and they were therefore resumed.

3. The Resident, in his final statement, dated 26th December 1873, on this case, alludes to the Maharaja's personal treatment of the deceased head of the firm, Motilal, and observes that, on his accession, His Highness closed accounts with the old State bankers with the object, according to his own account, of clearing off the large debt he found to be due by the State. He first, however, endeavoured to make this firm pay up 1½ lakhs in full of all demands, which sum was afterwards reduced to ¾ths of a lakh, and finding that this arbitrary demand was resisted, commenced to ruin the firm, by attaching its household and other property; ignoring the State debts and its responsibilities in connexion with the sums due to the banker from the Sardar and Silledar class; and, finally, confiscating the Inams Nemnooks, Pagah, &c., enjoyed by the firm under grants from previous Gaekwars.

The Resident has during the last eight months endeavoured, but unsuccessfully, to obtain a fair settlement of accounts between the State and the firm.

The agent who attended the Durbar for this purpose in September 1872 was detained in custody by it, to compel him to yield to its demands, till released at the instance of the then Resident.

The resumption of the Inam villages on the grounds stated by the Durbar was never customary before. These villages were granted for former good services, and not in connexion with current transactions, and the present Chief is the first Ruler who has treated the banking and mercantile classes in the manner set forth in this and other similar instances.

Finally, the Resident urges that the Durbar agent has made no attempt to refute the serious evidence adduced in this case.

4. The Commission has already recorded its opinion, under No. 21, Case 1 of Schedule II., that the proceedings of the Durbar towards this firm, in the summary attachment of its Pagah establishment, and the resumption of its cash emoluments and Inam villages on the grounds stated, were harsh and arbitrary, and calculated to excite alarm amongst the old employés of the State.

It is not in a position to form a judgment as to the claims of the Durbar on the firm, or *vice versâ* of the firm on the Durbar, in the final settlement of accounts between them; but according to the statement of the complainant these have been now adjusted, with the exception of the Durbar's demand of Rs. 20,000 on account of court fees due to it by the firm, but alleged by the latter to have been remitted by the late Chief by a verbal order. The original liability of the firm for this payment is not disputed by the complainant, and it is not clear that the present Chief is bound to recognise as valid the alleged verbal remission by his predecessor of so large an item of State revenue, though a careful inquiry into the whole circumstances might show that such obligation did really exist. The Commission, can, however, offer no opinion on the point.

With regard to the reason assigned by the Durbar for placing an attachment on the shops and property of the firm, viz., the head of the latter having left no one in charge of them when he went to Ahmedabad without leave, the Commission finds itself quite unable to accept so obviously improbable a statement, and it cannot but regard this act of the Durbar's as a needlessly high-handed and oppressive one, especially with reference to the long-standing respectability and reputation of the firm, and its undoubted claims to the protection and support of the Government.

It is not in the power of the Commission to state what aid should be given by the Durbar to the firm in effecting an adjustment of its advances to the Sardar and Silledar classes, but it appears to be but reasonable that no change should be made in the practice heretofore in force on this head, without fair and sufficient notice.

As regards the resumption of the Inam villages, the Commission has no reason to doubt from the wording of the Sanads, that they were bestowed on the firm for former good services, and had no concern with current transactions.

## IV.—Case No. 4 of Schedule III.

Amtha Ranchod, formerly of Baroda, but now of Bombay, states that he was formerly a subject of the Gaekwar's, but in September 1869 took the oath of allegiance to the British Government, and became a British subject, of which fact he produces a formal certificate.

Complainant was imprisoned and his houses and firm were attached by the late Gaekwar in 1867, in connexion with a dispute with his mother; and on his release and the removal of the attachment from his firm (but not from his houses), four months subsequently, he went to Bombay

and resided there the time required to enable him to become a British subject under the Act. When he was imprisoned, certain jewels and State bonds, of the aggregate value of Rs. 60,000, were taken possession of by the late Gaekwar. Deponent subsequently returned to Baroda, on the promise of the late Chief that the attachment on his property should be removed, and the jewels were returned, with the exception of a portion, of the value of Rs. 4,000. Deponent therefore refused to receive them, and at an interview with His Highness Khunderao, two months before his death, the latter promised that all the jewels should be restored and the attachment removed from the houses, but he died before these orders were carried out.

The present Chief did not remove the attachment on the houses till 1872, when at the instance of the then Resident it was done, but the jewels and State bonds have never been restored to the complainant, who states he has further suffered a loss of Rs. 75,000 from the cessation of his business, in consequence of the proceeding taken towards him.

In 1870–71 Balwuntrao Raholkar, the Naib Dewan, deposited Rs. 70,000 with complainant, taking his receipt for the same, and a year afterwards this amount was demanded from him by the Maharaja, who, on his declining to give it up till the receipt was returned to him, attached his firm, and his own and his partner's private houses. At the end of four months this attachment was withdrawn at the instance of the Resident, on deponent's paying over the Rs. 70,000, his receipt being then returned to him. This proceeding involved a further loss to deponent of Rs. 13,000 or 14,000.

2. The Durbar agent states that in the late Chief's time an award of Rs. 50,181 was given against complainant in his dispute with his step-mother, and that Rs. 30,413 in cash and Rs. 19,768 worth of jewels were accordingly given over to her from his estate. The late Chief subsequently took the jewels back and deposited them with complainant, but on his step-mother representing the case to the present Chief, he ordered them to be again restored to her. The agent does not dispute the fact of the attachment of the firm by the present Chief, in connection with the Naib Dewan's deposit of Rs. 70,000 with it.

3. The Resident in his final statement in this case, dated 31st December 1873, observes that the arbitrary proceedings to which the complainant has been subjected have involved him in losses estimated at Rs. 75,000 and Rs. 13,000 respectively, and that he is entitled to a full inquiry into his case, in view to obtaining compensation from the Gaekwar.

4. The Commission is not in a position to pass any opinion as to (1) the grounds on which the attachment of complainant's property was originally ordered by the late Chief in 1867, or (2) the real value of the jewels and Government bonds of which he states he was then deprived, the information before it on both points being insufficient to enable it to form any judgment on them.

5. With regard to the alleged proceedings of the present Chief in again attaching complainant's property to compel payment by him of a large sum deposited with him by the then Naib Dewan, the measure was undoubtedly a harsh one, but few Native Chiefs would probably have scrupled to adopt it under similar circumstances, it appearing that the Naib Dewan, whose rapacity and gross abuse of his official position were notorious, had fallen into disgrace, and that he was imprisoned and an order issued for the seizure and attachment of all his property. The refusal of the banker to give up the amount deposited with him, without the return to him of his receipt for the same, was a natural measure of precaution on his part, but the course taken by the Durbar to enforce compliance with its demand seems to the Commission to have been quite in accordance with the ordinary practice in such cases of native governments.

### General Observations and Opinion of the Commission.

V. In its closing remarks on each of the foregoing cases the Commission has recorded its opinion as to the merits of each, so far as it has been in its power to form the same, and it will only add that the general character of the Durbar's proceedings in them appears to it to warrant the view that the banking classes at Baroda have, for some time past, been liable to harsh and arbitrary treatment of an unusual character at the hands of the administration, and that from the instances of such treatment that have come before the Commission under this and other heads of its inquiry, it is impossible to doubt that wealthy individuals or firms at Baroda, who are not in favour with the Maharaja or his principal officials, have grave grounds for alarm and anxiety as to the freedom from molestation of themselves and their property.

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## SCHEDULE II.

### Case No. 39.

### The Flogging Case.

In this case, which has formed the subject of correspondence between the Resident of Baroda and the Durbar, and between the Resident of Baroda and the Bombay Government, eight persons were charged by the Durbar with poisoning one Tatia Powar, a confidential servant of His Highness the Gaekwar. It appears that on Sunday, 16th March 1873, the said Tatia Powar was present at some ceremonies in connexion with the Holee festival which took place in the city of Baroda. After returning from these he went to dinner, and shortly afterwards was seized with violent vomiting and purging, which caused his death in a few hours. His sister appears to have suspected at once that her brother had been poisoned, and she gave information to the police and judicial authorities, which led to the arrest of the following persons:—

1. Dajiba Kamati,
2. Ghanu,
3. Vithoba,
4. Raghu Savant,
5. Narayen bin Shivba,
6. Lakshman bin Pandoba.
7. Borah Fatteh Ali,
8. An oilman.

These eight persons were at once arraigned and tried by the judicial authorities; and, being convicted, were sentenced to be imprisoned for life, and to receive twelve lashes each, at each of certain fixed places. The flogging was accordingly inflicted; and one of the men (No. 2, Ghanu), being, it is said, of a delicate constitution, died under it. The Resident states that those of the above eight persons who confessed their guilt allege that the confessions were extorted by the flogging in question, and points out that it is a question for consideration—

1. Whether Tatia Powar was, in fact, poisoned as alleged?

2. Whether the flogging inflicted was a judicial sentence inflicted after a legal investigation, or whether the flogging in question was the cause of, and preceded the confession of, four or five out of the accused eight persons?

The Commission did not, when this case was brought forward, feel in a position to settle these two points satisfactorily, and thought the only means of forming some sort of judgment on the matter was by explaining the particulars to the Durbar agents present, and requesting them to make any remarks thereon they thought necessary. The Commission also requested to be furnished with the original proceedings held by the Judicial Court which tried the previously-mentioned eight prisoners.

2. The Sir Fouzdar, Balwuntrao Yeshwunt, one of the Durbar agents who daily attended before the Commission, then proposed to put in the original proceedings, containing full particulars of the trial, and all information as to what took place at the trial, which, he informed the Commission, was held before him as Chief Judicial Officer of Baroda. He added that the confessions were taken down in his presence, and signed by the prisoners before him in the course of the proceedings, and that these proceedings were completed, and the sentence of punishment pronounced, before punishment was inflicted. The original proceedings were then received, and ordered by the Commission to be translated into the English language.

3. The Resident of Baroda, in his final reply, takes exception generally to the judicial proceedings, and makes a detailed comment on them, and on the proceedings of the Durbar in this and other cases. He also forwards translations of some depositions taken after the Commission left Baroda, tending to throw discredit on the judicial investigation held before the Durbar authorities.

### Opinion and General Remarks by the Commission.

In this case it is impossible to form a satisfactory judgment. On the one hand, the Resident is evidently of opinion that the judicial proceedings which have been placed before the Commission by the Durbar are perfectly useless, and that they were framed subsequently to the punishment inflicted. He also, it is clear, entirely disbelieves the facts stated in the different depositions. On the other hand, there can be no doubt that the death of Tatia Powar was very suspicious; and, as far as the Commission can judge, he seems to have died either from cholera or the effects of poison. In an English court of justice more definite evidence would have been required before the alleged poisoning could have been held to be proved; and certainly more evidence would have been required before the guilt would have been held to have been established against the eight prisoners. But the Commission does not feel itself in a position to sit as a Court of Appeal, to determine whether prisoners have been properly or improperly convicted by the judicial courts of the Gaekwar. In this instance the formal proceedings held on the trial have been placed before the Commission by the judge before whom they were held. This officer states that the depositions and statements were taken down in his presence with due formality, and all the proceedings were completed before the infliction of the punishment. The matter was then fully explained to His Highness the Gaekwar, who himself, as he told the Resident, ordered the punishment to be inflicted; though under the circumstances he would have been justified, he alleges, in passing sentence of death on the prisoners.

There seems to be no particular reason why, if *bonâ fide* suspicions were not entertained against the eight prisoners, they should have been singled out as the alleged perpetrators of a cold-blooded murder. And whether Tatia Powar was really poisoned or not, and whether the eight persons convicted of being concerned in his death were really guilty or not, the Commission is not convinced that the Durbar authorities have any doubt on the matter. It is much to be regretted that the flogging was carried out so brutally or carelessly that one man died at once from the effect of such treatment; but bearing in mind that under the laws now in force in England and British India, garotters and other offenders are punished, and very properly, with severe flogging, the Commission does not feel called on to condemn flogging in Baroda, when adjudged as a punishment for heinous offences. In this particular case the Gaekwar might be invited to inquire and inform Government how it was that a man who is now alleged to have been delicate should have been so severely flogged as to have died under it; and if any carelessness or needless severity could be substantiated against the subordinate who inflicted the punishment, or those whose duty it was to see it carried out, due notice should be taken of their conduct. All the proceedings, depositions, and the remarks by the Resident will be found in the proper place.

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### Case No. 40.

The seizure of respectable married and unmarried Women at Baroda for compulsory service as "Loundis" or Household Slaves in the Palace.

The grievances of this class of complaints are referred to by the Resident in para. 14 of his letter to the Bombay Government, No. 144–756, dated 18th August 1873, and enclosed copy of his yad to His Highness the Gaekwar, dated 15th idem.

1. The names of nine complainants are brought forward by the Resident under this head in Schedule II., as instances in support of the general charge, and the case of each is summarised as follows:—

No. 1. Kaisobal Jetha Shaimali, of Baroda.—The statement given of this case, which is recorded at length in paras. 5 and 6 of the Resident's yad to the Maharaja of 15th August 1873 (referred to above), shows that the complainant's wife was seduced from her husband's house by a private individual, and that she refused to return to him. There is nothing whatever to show that compulsion of any sort has been used towards her to make her a "Loundi" in the palace, and the statement that she is permitted to carry on her intercourse with the man who seduced her appears to be opposed to the allegation that she is really a "Loundi," in the ordinary acceptation of the term.

The Resident has been accordingly informed to this effect, and that the Commission does not consider the case to be one that it can interfere in.

No. 2. The daughter of one Malsabi, stated to belong to the Indore territory.—The circumstances of this case are given in para. 7 of the Resident's yad to the Gaekwar of 15th August 1873, already referred to, but as neither the complainant nor her mother is in attendance, the Commission is unable to investigate the case.

No. 3. Vithabai, wife of one Khondaji, of Baroda.—The complainant deposes that one morning when her husband was away from home three persons, one of whom was a Government sepoy, came and told her she was to go to the Palace by order of the Sarkar. She refused, but, in spite of her entreaties and resistance, was made to accompany them through the streets, in which there were many people, but she did not call for help. She was, on arrival at the Palace, taken before the Maharaja, who inspected and approved of her, and directed her to be taken to serve his mistress as a Loundi. She did not cry out or make any petition to His Highness to be allowed to go home. After seven or eight days she was released, her husband having made a complaint to the Resident about her case. She was not insulted or injured while in the Palace, but was not allowed to go out without being followed by one of the sepoys on guard at her mistress' apartments.

There were ten or twelve Loundis at the latter when complainant first went there, and some ten or twelve were brought subsequently, of whom she remembers the names of some. These women told her they had been seized similarly to herself. She received no compensation on her release.

This complainant's statement is confirmed by the Government sepoy, who was one of the three persons by whom she was seized and taken to the Palace, and whom the Commission deemed it desirable to examine. This man is identified by the complainant as the person referred to by her. He is now undergoing imprisonment by order of the Durbar, at the instance of the Resident, for having been concerned in another case of violence. He states he seized complainant at her own house, as described by her, by order of a Karkun of the Senaputty's (the Maharaja's brother-in-law) and a private servant of the Chief himself, that he took her against her will to the Palace, where she was asked by the Maharaja himself if she was willing to remain. She said she was not, and was then ordered to be kept there. Deponent has taken eight or ten other women, who had no guardians, and who consented to go to the Palace. Complainant is the only woman he has so taken against her will. He understood that she was taken to be a servant in the Palace.

No. 4. Rambhao Balkrishna, of Baroda.—The circumstances of this case are set forth in para. 10 of the Resident's yad to the Maharaja, dated 15th August 1873, already referred to.

The Resident is informed that the Commission is prepared to investigate the complaint in this case, but as neither the complainant nor his wife will, it appears, attend for the purpose, it is unable to do so.

No. 5. One Ganga.—The complainant is stated by the Resident to have left Baroda, and her grievance cannot therefore be inquired into by the Commission.

No. 6. A Koli girl from the Mahi Kanta, in the keeping of one Balvantrao Nagarkar.—In this case it is stated in the Schedule that the girl, whose parents are unknown, wishes to remain with Balvantrao Nagarkar, and there therefore appears to be no complaint for investigation by the Commission.

No. 7. Chandra Bhaga, daughter of one Kasi, of Baroda, states that about 2½ months before the Dussera she was seized one morning, when at her mother's house, by some five or six Government sepoys and two Karkuns, and, in spite of her own and her mother's entreaties, was taken to the Maharaja at the Palace. The Karkuns said that she had been brought to be made a servant of, on which the Maharaja himself ordered her to be taken to the Rani, in whose service she remained 2½ months. She was not ill-treated, but performed ordinary service as an attendant. She told the Rani she did not wish to be a servant, but no notice was taken of her complaint. There were some 25 old "Loundis" there, but she was the only new one. Deponent was released, at the instance of the Resident, three days after the Dussera, but received no pay for her services, and no compensation of any sort. She has now no complaint to make.

This complainant's statement is confirmed by her mother Kasi, who states that her daughter was released as described by her at the instance of the Resident, whom she petitioned regarding her seizure and detention in the Palace.

No. 8. The case of two girls from Kattywar in the service of the widow of the late Gaekwar, Khunderao.

The girls referred to have returned to their homes, and their case cannot therefore be inquired into by the Commission.

No. 9. Jagoba Jagtap, a relative of His Highness the Gaekwar.—The complainant's grievance consists of an alleged attempt by the Maharaja to possess himself of the person of his kept mistress. This case is not, in the opinion of the Commission, one that it is called on to investigate. The Resident, however, states in his letter No. 1096, dated 8th December 1873 (in the file of this group of cases), that it has been settled.

No. 80. Ujan, wife of one Partab Bharot, of Baroda, states that last August she was seized one day by Government sepoys when at her father's house, and taken by them, in spite of the remonstrances of her parents and other people who were in the house at the time, to the palace, her parents following her. On arriving in front of the Palace her father induced the sepoys to agree to release her on payment of Rs. 60, which was given them on their return to her home.

NOTE.—This case is not in the Schedule, it having come to notice since the latter's submission.

Complainant knew they were Government sepoys because they said so, but did not know their names, and could not recognise them if produced before her.

Complainant's statement is confirmed by her father, who states that three sepoys were concerned in his daughter's seizure, and that as they came from the Maharaja there was no use in his complaining to the Chief, and he had not done so. He could not recognise the sepoys.

2. The letter from the Resident, No. 1096, dated 8th December 1873, which will be found in the file of this group of cases, gives some further particulars on the subject, and adds that there are some 26 other females in a humble sphere of life, who would probably state their cases if accompanied by their friends. The Resident is further anxious that the wife of the Government sepoy, whose evidence in the case of the seizure of No. 3 will be found above under that, should be examined by the Commission, but as she has no personal grievance, and her evidence would necessarily be chiefly hearsay, and would probably be influenced by her husband's punishment, and further, as the man himself has been produced and examined, the Commission deems it unnecessary to take her statement.

The Resident further suggests that the Durbar be required to reply categorically to certain questions which he proposes shall be put to it, but is informed that the Commission is unable to adopt that course, the Durbar agent being at liberty to offer such remarks as he is authorised to make, but not being liable to examination himself by the Commission.

The Resident is further informed, with reference to his remark regarding the 26 other females, that the Commission is prepared to hear the grievance of any person concerned in this class of cases who may desire to state the same before it, and may attend for the purpose.

3. No further cases having been brought forward, the Durbar agent's reply is recorded. He states generally that females were never seized by the Durbar to be made "Loundis" of; that the orders of the sepoy, who has given evidence in the cass of No. 3, were only to find out such as were willing to take service. Those he brought who were not so willing were sent away.

With regard to the case of the complainants who have appeared before the Commission:—

(1.) The assertion of No. 3 that she was detained in the Palace against her will is false.

(2.) As regards No. 7, she had refused to live with her husband, who had petitioned for a restitution of conjugal rights, and was detained at the Palace at his request to induce her to go back to him. She was released at the Resident's instance. Her husband's complaint is still undisposed of.

(3.) Nothing is known of the case of No. 10 by the Durbar officials. If a complaint had been preferred, it would have been inquired into.

4. In his final statement, dated 2nd January 1874, the Resident has reviewed at much length the group of cases considered under this head. It is unnecessary to recapitulate here the remarks and arguments urged by him in this paper, all the cases brought before the Commission having been duly inquired into, with the exception of No. 1, which the Commission has endeavoured, but apparently unsuccessfully, to point out to the Resident was a case of private seduction, the woman having left her husband's house of her own free will, and not one falling within the scope of the general charge at the head of this summary, or with which the British Resident apparently had any authority to interfere officially, or this Commission was called on to deal. The circumstances under which the woman in this case has returned to her husband not having come before the Commission, it can form no opinion on that point, but there is nothing in this case to warrant the belief that the woman was taken into the Palace against her will.

With respect to the Resident's observations regarding the non-examination by the Commission of the wife of the Government sepoy, whose evidence is summarised above, in case No. 3, the reason already assigned for the course taken by it appears sufficiently explanatory, but it may be proper to add here that the Commission has from the first found it absolutely necessary to decide against its being, on any plea whatever, drawn into the reception of vague statements from parties who had no personal grievance to bring forward, and to restrict its proceedings to the hearing and recording of the complaints of those who desired to lay before it their own individual hardships. The propriety of this determination has been abundantly proved in the course of the Commission's proceedings. The case of the two women formerly belonging to the Ratnagiri district, referred to in the latter part of the Resident's letter, has been already disposed of in cases 12 and 13 of Schedule I.

## GENERAL OBSERVATIONS AND OPINION OF THE COMMISSION.

I. The cases under this head which have actually come before the Commission for investigation by it are only three in number, viz., Nos. 3, 7, and 10.

II. With regard to Nos. 3 and 7, the Commission has no doubt of the truth of the statements made by them of their forcible abduction from their homes by Durbar servants, and removal to

the Palace to render forced service within its walls, and that the Maharaja himself was personally cognisant of this arbitrary proceeding, and himself directed their detention, the fact of which latter, and of their unwillingness to serve in the palace, is virtually admitted by the Durbar itself in its yads to the Resident (dated 22nd August and 26th September 1873), quoted in his final letter of 2nd January 1874.

The Commission is further of opinion that the explanation given to it by the Durbar agent in both these cases is altogether unsatisfactory, and in no way relieves the Maharaja from the grave and serious personal scandal involved in the shamefully oppressive treatment to which these poor women were subjected.

III. The case of No. 10 is not so clear, as it rests entirely on the statements of the complainant and her father; but the Commission sees no reason to doubt the general accuracy of this complaint also, and draws from it the conclusion that, as might be expected, the inferior agents employed, to quote the words of the Durbar agent himself, "to find out" (and bring to the palace) "such women as were willing to enter its service," were not slow to take advantage of the opportunities for oppression afforded them by so questionable a commission.

IV. The evidence of No. 7, on the point of the forced detention in the palace of other women besides herself, who had similarly been seized, is to the effect that, though there were 25 other old "Loundis" in attendance on the Rani, she was the only new one.

On the other hand, No. 3 deposes that 10 or 12 "Loundis" were in attendance on the Maharaja's mistress when she was sent to her, and that about the same number were brought after her arrival, and that all these stated that they had been seized and carried off in the same way as herself.

The statements recorded by the Resident in his letter dated 2nd January 1874, regarding cases Nos 2 and 5, in this group, appear to the Commission to be conclusive as to the fact of these women having also been taken to the palace against their will, and detained there for forced service.

V. On a full consideration of all that has thus come before it, the Commission can only form the opinion that several cases of the description stated have undoubtedly occurred, involving an abuse of power on the part of the Maharaja, and oppression by certain inferior Durbar officials and servants, which have brought a most serious scandal on the personal character of the Chief himself, and the administration of which he is the head.

It is proper to add that the evidence of the complainants who have come before the Commission, and the statements furnished by the Resident in reference to cases Nos. 2 and 5, refer solely to the unjust seizure and detention of these persons to render forced service in the Palace, as attendants on the Rani and the Chief's mistress, but make no allusion to the object of such seizure having been for immoral purposes, or aver that any of them were subjected to treatment of the latter character.

## Case No. 42.

**Grievances of the Members of the late Gaekwar's Family, who complain that they have suffered hardships at the hands of His Highness the present Gaekwar.**

Bombay Government Resolution No. 6902, dated 11th November 1873.

No. 1. The case of Rani Jamnabae having been already dealt with under the orders of Government, no inquiry into it appears to be called for.

I. The following is a summary of the evidence laid before the Commission in the following cases:—

No. 2. Anandrao Viswasrao, brother of the widow of Khunderao, states that, on the marriage with his sister, the late Gaekwar granted to him under Sanad (admitted by the Durbar to be genuine) a pagah of 45 horse with an annual allowance of Rs. 42,000 in perpetuity, subject to service, and an Inam village on the same tenure without service; that he was not only without cause deprived of the whole shortly after Khunderao's death, but also of house property to the extent of Rs. 83,600. He accordingly prays for restitution.

(2.) The Durbar agent replies that Anandrao being the Rani's brother, the present Gaekwar Government had no confidence in him, and therefore ordered the resumption complained of. He adds that the houses referred to were not private but Government property.

No. 3. Manjulabae, who appears by her husband Kasirao, states that she is the daughter of the late Maharaja; that immediately after her father's death she was deprived of the house in which she lived; it was the gift of her father, and she therefore cannot say its value; that she was also despoiled of jewels and ornaments amounting to about Rs. 75,000; that on application for restoration she was distinctly informed that nothing would be returned. Subsequently, about a year after her father's death, she was turned out of the house in which she was residing, and compelled to go to another, though she had just been confined. On this occasion the furniture, &c. was thrown into the streets. Manjulabae also adds that, notwithstanding her remonstrances, one Wussuntram Bhow, a favourite of the present Chief, has been permitted to build a house on a plot of ground which belongs to her. She concludes by saying that from the Inam village, value Rs. 5,150, assigned to her by Khunderao for maintenance, the Havildar and five sepoys, attached to it for protection, have been withdrawn.

(2.) The Durbar agent replies that the house in which Manjulabae lived being Government property, another was given to her for use; that the jewels and ornaments belonged to the State, though, as one of the royal family, she occasionally wore them. Her marriage gifts only were her sole peculium, and they were not touched. The plot of ground referred to was Govern-

ment property. Finally, the gift of the village being kaniyadan (or gift to a daughter), sepoys were never allowed for its protection.

No. 4. Kasirao Ganpat states that he married Manjulabae, daughter of His Highness Khunderao, in 1867 ; that fitting arrangements for his support were promised, but that an annual allowance of Rs. 12,000 was all that he actually then received. This was reduced to Rs. 8,000 at the expiration of one year after Khunderao's death. An elephant, with howdah and trappings of silver, was given to him by the late Gaekwar. He, instead of accepting the animal, took Rs. 3,000 in cash, and deposited the howdah and trappings for safe custody in the "Hathi Khana." These the present Maharaja refuses to give up. He prays for restitution, including his wife's ornaments, &c.

(2.) The Durbar agent replies that Kasirao's allowance is fixed at the same rate as that granted to the sons-in-law of the late Ganpatrao Maharaja, and that the sum of Rs. 3,000 substituted for the elephant included the value of the howdah and trapping.

No. 5. Chimma Sahib Lakshmanrao, maternal uncle of one of the widows of the late Maharaja, states that he enjoyed an annual allowance of Rs. 500 granted by Seiajirao Gaekwar, which was increased to Rs. 2,400 by the late Gaekwar, but on the latter's death the whole was stopped. He thereupon ran away to Oodeypur in Rewa Kanta, where he now resides. He held no Sanad for this allowance, and on its cessation neither petitioned the present Gaekwar nor complained to the Resident.

(2.) The Durbar agent replies that as the present Gaekwar Government had no confidence in Chimma Sahib it dismissed him.

No. 6. Amrutrao, son of the late Maharaja, by one Sakubae, his mistress, who is still living, states that his mother enjoyed emoluments annually to the extent of Rs. 32,000, made up from an Inam village valued at Rs. 16,000, cash from the Treasury Rs. 9,000, and Rs. 7,000 from the Mahals. He produces a Sanad (admitted by the Durbar to be genuine) showing his mother's title to draw the item of Rs. 9,000 annually from the Farnavis. These allowances, together with Rs. 35,000 for a Pagah of 50 horse, were summarily stopped shortly after Khunderao's death. At the same time his mother's jewels, valued at about three lakhs of rupees, and a garden, called the Hira Bagh, were taken from her. The Pagah has been made over to Elajirao, brother-in-law of the present Maharaja, and the garden to Nana Sahib Khanvelkar, the Minister. Amrutrao adds, in conclusion, that absolutely nothing has been left to them.

(2.) The Durbar agent replies that Sakubae was permitted, during His Highness Khunderao's lifetime, to use valuable State jewels. She has no claim to them as private property, and they have accordingly been deposited in the Jamdar Khana. Sakubae and her son, Amrutrao, have refused to accept an allowance (viz., between Rs. 7,000 and Rs. 8,000) fixed at the rate usually given to mistresses of deceased Gaekwars. The garden referred to is Government property. The Pagah and allowances are dependent on services, which are neither rendered by nor required from Amrutrao. They have consequently been resumed.

II. The Resident's final statement in this group of cases, dated 2nd January 1874, which will be found in the file, challenges in some degree the correctness of the Durbar's remarks, as summarised above, in reply to the depositions made before the Commission ; and, while not doubting the legal right of the Durbar to make the various reductions complained of, and to discontinue the allowances and perquisites of the relatives of the late Maharaja, urges that the same has not been done in good faith and honesty; that abundant proof is manifest that these measures have been carried out in a malicious and vindictive spirit, and generally that the family and followers of the late Gaekwar have suffered systematic persecution at the hands of the present reigning Gaekwar, and that the plea of want of confidence is merely raised to cover the act of spoliation.

### General Observations and Opinion of the Commission.

III. The Commission is of opinion that while it appears to it to be impossible to question the authority of the reigning Chief to modify or resume grants by his predecessor of the nature referred to in the complaints in this group—such measures being in no way unusual or extraordinary under similar circumstances in most Native States—the course taken against the complainants by the present Gaekwar has been so unusually harsh and severe, as to justify the Resident's view that it has been due to a vindictive feeling towards his brother's relatives, which cannot but be damaging to his reputation, and alarming to all associated with or who enjoyed the favour of the late Chief.

2. The entire deprival of the late Khunderao's brother-in-law (deponent No. 2) ; of the uncle of one of his wives (deponent No. 5); and of his illegitimate son (deponent No. 6), of the whole of the provision assigned them severally by the late Chief, appears to have been an extremely harsh proceeding, though the Commission is not disposed to question the resumption of the Pagahs of horse held by No. 2 and the mother of No. 6, and that of the State jewels in the latter's possession, and it is further of opinion that the justice of making some reduction in the other extravagant emoluments enjoyed by this woman from the State cannot be disputed.

3. The proceedings taken against the daughter of the late Chief, in the deprivation of her ornaments and jewels, and her expulsion from the house in which she lived, on the grounds stated, appear also to have been harsh ; but as she has been continued in possession of the Inam village assigned by His Highness Khunderao for her maintenance, and her husband has been permitted the enjoyment of Rs. 8,000 of the annual allowance of Rs. 12,000 originally granted him on his marriage, their case is not so bad as that of the persons referred to in the preceding paragraph.

## Cases Nos. 45 to 56.

**Grievances of the Followers and Servants of the late Khunderao Gaekwar, who allege that they have suffered hardships at the hands of His Highness the present Gaekwar.**

### I.—Case No. 45.

1. Munshi Habibula Karimula, who was a personal attendant of the late Khunderao Gaekwar, states that he was favourably looked on by the late Gaekwar, who gave him money, jewels, clothes, houses, and a village; that immediately on the late Gaekwar's death all this property was attached by orders of the present Gaekwar and eventually confiscated; that he himself was thrown into prison and confined there many months ; and that finally, on his release, he was cast out on the world penniless.

2. The Durbar agent states in reply that complainant was, on the death of the late Gaekwar, sentenced to imprisonment for concealment of crimes and other improper conduct; that as he belongs to the party which is inimical to the present Maharaja his services have been dispensed with, and his village and allowances resumed ; that the village which he alleges he bought has been attached pending inquiry ; that the houses and other property of which he says he has been dispossessed are Government property and not his ; that his intimacy with the late Bhow Scindia allowed him to misappropriate State property; and that therefore his private property, amounting to about Rs. 27,000, has been taken possession of to satisfy State claims.

3. The Resident, in his final statement, urges that the reply of the Durbar is utterly unsatisfactory ; and placing apparently entire reliance on complainant's statement, urges that nothing can justify the shameful treatment he has received, and that he (the petitioner) "has good "grounds for believing that he would have shared the fate of Bhow Sindia, but for the accidental "circumstance which produced his release."

### II.—Case No. 46.

1. The next case which was fixed for hearing was that of Chimnaji Lakshman Wagh, one of the followers of the late Khunderao Gaekwar. On the part of the Gaekwar, however, the Durbar agents stated to the Resident that this individual was, in consequence of some Palace intrigue in which the ladies of the Palace were mixed up, held in great detestation by the Gaekwar, who was very anxious that he should not be examined by the Commission. And to this request, as the man's grievance was like that of other servants of the late Gaekwar, the Resident assented. The complainant therefore, by the desire of the Resident, was requested to withdraw. In connexion with this case the Resident has quoted at length a petition made by this individual, which will be found in the proper place.

### III.—Case No. 47.

1. The next case is that of Ghulam Kadir Karimula, brother of Munshi Habibula, who states that he served the late Gaekwar Khunderao, and was by him liberally rewarded, receiving in perpetuity by Sanad a village, and other marks of His Highness' favour; that immediately on the death of Khunderao Gaekwar all the property granted to complainant by His Highness, as well as private property otherwise acquired, was at once confiscated by the orders of the present Gaekwar, and he himself kept under strict surveillance at Baroda for about 19 months; and that at the expiration of that time he went to reside at Ahmedabad, where he has since resided in a state of penury.

2. In reply to these allegations the Durbar agent refers to the explanation given in the case of Munshi Habibula (No. 45), and states that the allowances and property were attached for the same reason as those of his brother.

3. The Resident of Baroda, in his final statement, points out that this explanation is insufficient and unsatisfactory.

### IV.—Case No. 48.

1. The complainant in this case is Eshwantrao Sakharam Mungekar, who states that he served Khunderao Gaekwar and his predecessor for 25 years, and that he received gifts from His Highness Khunderao, so that at the death of the latter he possessed a large sum of money, as well as a State allowance of Rs. 2,000 annually; that immediately after Khunderao Gaekwar's death he was placed under surveillance and all his property attached; and, after six months of this surveillance, that he was taken to jail, where he was confined for two and a half years, having only been recently released at the intercession of the Resident. Petitioner adds that the sentence of imprisonment passed on him was for the period of seven years, but he alleges that he is ignorant of the reason of his punishment.

2. The Durbar agent states in reply that complainant was convicted of intriguing with Bhow Scindia, and was on this account sentenced to seven years' imprisonment, but was released at the request of the Resident; that his allegations as to the amount he possessed at the late Gaekwar's death are not true, but that Bhow Scindia *did* give him large sums from State and private sources; and that it was for the purpose of recovering for the State what the complainant had improperly obtained from it that his property, to the value of Rs. 4,000, was attached and confiscated.

3. The Resident in his final statement points out that this explanation cannot be regarded as satisfactory.

V.—Case No. 49.

The complainant in this case is one Krishnaji Govindrao Jadav, who states that he was a servant of the late Gaekwar Khunderao, and at his death was in possession of houses and a large sum of money; that about six weeks after the late Khunderao's death he was arrested and was imprisoned for nearly two years, all his property being confiscated, his release having been obtained only a short time ago at the Resident's request; and, lastly, that he is now, with his family, penniless.

2. The Durbar agent states in reply that petitioner was concerned in an attempt to burn down the Palace at Baroda, and for this crime he was sentenced to seven years' imprisonment. His property, which only amounted to Rs. 2,000, and not the large sum mentioned by him, was also confiscated.

3. The Resident, in his final statement, urges that as no judicial proceedings have been produced, it may fairly be assumed that they were never held, and that in point of fact "the petitioner has been thrown into prison on a nominal charge, and has been detained there for several years pending the Maharaja's pleasure, the whole of the petitioner's very considerable property having been confiscated."

VI.—Case No. 50.

The complainant in this case is one Masukh Narsidas, who states that he formerly practised as a Vakil in Baroda; and in that capacity, by order of His Highness the late Gaekwar, prosecuted certain persons who now hold high office under the present Gaekwar. Shortly after the death of the late Gaekwar, petitioner was arrested and confined for many months; but the statements recorded against him were not, he alleges, read over to him, neither does he know what they were. Subsequently, after about nine months' confinement, he was released on his son-in-law paying a fine of Rs. 15,000 on his account. A security bond was also taken to the effect that he would not return to Baroda or make a complaint. Petitioner claims now from the Durbar, on account of his alleged wrongs, the sum of Rs. 45,000.

2. The Durbar agent states in reply that complainant was fined Rs. 15,000 on conviction of several offences, the chief being a conspiracy charging Captain Salmon, the late Assistant Resident at Baroda, with taking a bribe; that his allegations about the depositions on which he was convicted are false, his own depositions having been corrected and initialled by him; that his property has not been confiscated, but attached at his house, where he may come and get it; and, lastly, that the security was taken to ensure his future good conduct.

3. The Resident of Baroda in his final reply points out that the Durbar authorities have not produced the necessary evidence to support their defence, which they might have done if the judicial proceedings had really been held, as alleged; and, relying entirely on the petitioner's statement, holds that he "has a legitimate grievance, and is justly entitled to damages in consideration of the great loss and injury which he has sustained."

VII.—Case No. 51.

The complainant in this case is one Lakshmibae, widow of Malharbhao Shelki, who states that her late husband was for forty years employed under the Gaekwars of Baroda; that shortly after the death of Khunderao Gaekwar her husband was arrested and taken away to prison, and all their property attached; that about nine months after her husband's arrest she was informed by a sepoy that he had died in prison, on which she went to fetch the corpse, when it presented a swollen and blackened appearance, and emitted an offensive smell. She states that the property confiscated exceeded in value a lakh of rupees, exclusive of a village, and that she is ignorant of the cause of the treatment suffered by herself and her husband.

2. The Durbar agent in reply states that the complainant's husband was in charge of the Jamdar Khana or jewel house; and on the accession of the present Gaekwar an account of the jewels was demanded. This he did not find it convenient to give, so he and one Ghanu Wagh set fire to the jewel house in February 1871, by which a great quantity of property was destroyed. For this crime he was convicted and sentenced to nine years' imprisonment, and his house and property were confiscated.

VIII.—Case No. 52.

The complainant in this case is one Bhagirthibae, widow of Ghanu Wagh, who states that her late husband was in the service of the last Gaekwar, and on his death was possessed of a large sum of money and an Inam village. Shortly after the death of Khunderao Gaekwar her husband was arrested, and all their property attached; and about five months after she heard that her husband had died in prison, when she went to take the corpse away. It was black, and the people said her husband had been poisoned, but she does not know on what grounds they made this assertion. Amongst the property confiscated was a garden which was given by the Gaekwar to Balwuntrao Yeshwunt, a high judicial officer.

2. The reply of the Durbar is similar in this case to the last, and need not therefore be repeated. As regards the garden which was taken away it is asserted that it was made at the Government expense, and the Government therefore resumed it, and transferred it to the supervision and care of Balwuntrao Yeshwunt, one of its high officials.

3. The Resident in his final statement in cases Nos. 51, 52, urges that if the defence of the Durbar was valid the proceedings which convicted the petitioners of arson would have been produced. He also points out the suspicions which are asserted to have existed, that the two men came to their death unfairly, and urges, in conclusion, that some sufficient maintenance should be secured for the two unfortunate women.

## IX.—Case No. 53.

The complainant in this case is Parvatibae, widow of Bhow Scindia, late Minister of His Highness the late Khunderao. She states that, very shortly after the death of the late Khunderao, her husband was arrested and confined in their house, which was placed under attachment, and all their property was at once taken possession of by the State. About five months after her husband was removed to prison, whilst she and Bhow Scindia's other wife were placed under strict guard. This continued for some time, when she was taken to the Residency, and subsequently to the railway station, where the fares of herself and Bhow Scindia's other wife were paid to Bombay. She asserts that even a sum of a lakh of rupees, which had been deposited with the Bombay branch of the firm of Gopal Rao Myral, was withdrawn by the Durbar, and, in short, that she and her late husband's other wife have been left penniless.

2. The Durbar agent states in reply that the conduct of the late Bhow Scindia was notoriously bad; that he, on various pretences, took away several sums of State money and ornaments, and failed to account for cash advanced from the State coffers for conducting the various departments of the State; that the only way of recovering these outstanding balances was for the State to attach his moveable and immoveable property, which it did, with the knowledge and concurrence of the late Resident, to the extent of Rs. 3,61,200, exclusive of the house.

3. The Resident of Baroda in his final report alleges that the property confiscated was much larger than is admitted by the Durbar, and recommends the case to the careful consideration of the Commission.

## X.—Case No. 54.

1. The complainants in this case are as follows:—Meru Gaddhu, Fatehsing Bhaiji, and Jesing Jora, who state that they were orderlies under the late and present Gaekwar. They allege that shortly after the present Gaekwar ascended the Gadi they were requested to state by some official servants that Bhow Scindia and others had got up a plot against the present Gaekwar; that on their refusing to perjure themselves they were imprisoned until they paid a fine of Rs. 500, a period of about four months.

2. The Durbar agent states in reply that the men were arrested because they were conspiring against the State, and dismissed the service. He adds that it is not true that they were fined.

3. The Resident in his final reply urges that the statement of the complainants is substantially correct, and makes some general remarks on the Durbar administration of justice.

## XI.—Case No. 55.

1. The complainant in this case is one Ganpatrao Gangajirao, who states that he was a Durbar servant for about 34 years; that almost immediately after the death of the late Khunderao Gaekwar he was imprisoned, and attempts were made to induce him to give false testimony against certain persons accused of attempting to set fire to a shed adjacent to the Palace; that he does not know what crime was imputed to him, and that no proceedings were taken; and, finally, that he was imprisoned for nearly three years, having only been recently released at the suggestion of the Resident.

2. The Durbar agent states in reply that complainant was tried and convicted of setting fire to the Palace at Baroda, and sentenced to seven years' imprisonment.

3. The Resident in his final reply states that he has good grounds for believing that the charge of setting fire to the Palace is entirely false; and if it had been true it would have been very easy for the Durbar to have produced the proceedings of the trial.

## XII.—Case No. 56.

1. This No. contains the complaints of sixty-seven subordinate followers of the late Khunderao Gaekwar. In three cases petitioners urge that their property has been confiscated and allowances resumed; in two cases their property has been confiscated only; and in the remaining sixty-two cases their personal and other allowances have been stopped.

2. The Durbar agent states in reply that the property attached belonged to the State, and was therefore resumed, and the men were dismissed because they were merely personal attendants of the late Gaekwar Khunderao, and their services were no longer required, as they did not possess the confidence of the present Gaekwar.

3. The Resident of Baroda urges that the property was private and not belonging to the State, and makes some general remarks on the wholesale dismissal of State servants by the present Gaekwar.

## General Opinion and Observations of the Commission.

There can be no doubt that the conduct of the present Gaekwar towards the servants and retainers of his late brother was of a most sweeping and vindictive character. But these persons, as is openly stated by the Durbar agent, belonged to the party inimical to the present Chief; and it is further alleged that they grossly, in the day of their power, abused the trust imposed in them, and were, some of them, worthless, and some of them highly criminal persons. These accusations the Commission is not in a position to examine with any chance of arriving at a definite decision; but, in all probability, many of the complainants in this group were as worthless and arbitrary as some of the present officials are alleged to be. But be this as it may, the Commission is of opinion that the wholesale punishment, dismissal, and attachment of the pro-

perty of servants who enjoyed the confidence of his late brother, which took place immediately after the accession of the present Chief, were arbitrary, vindictive, and, doubtless, in many cases wholly unjust.

The Commission has failed in its endeavours to obtain some trustworthy information regarding the alleged attempt to set fire to the Palace, in connexion with which some of the parties in the foregoing cases are stated by the Durbar to have been criminally dealt with. The Durbar alleges that a full report of the circumstance was made at the time to the Resident, but if so it is not now to be found in the Residency records. As regards the real value of the property attached by the Durbar in each of the foregoing cases the Commission is unable to offer any opinion.

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## Cases 57, 58, 59, 62.

**Complaints of the arbitrary Resumption by the Gaekwar's Government, without cause or reason, of Inam Holdings and Hereditary Emoluments granted by his Predecessors.**

*Note.*—Most of these cases are similar to the grievances of the bankers on the same subject, and this group may be regarded as a supplement to theirs.

The statements of the complainants are summarised as follows:—

### I.—Case No. 57.

1. Complainant, a sahukar of Baroda, states that in 1872 the present Chief attached, without any reason that he knows of, his Inam village, worth Rs. 1,200 annually, which was granted originally to his great-uncle Samal, head of the firm of Hari Bhagti, by the Peshwa, and which had been since held uninterruptedly by the family. The Sanad is deposited with Hari Bhagti, and complainant informed the Durbar that it was so, when he was directed to produce it. The Inam villages of the bankers generally were attached at the same time. Complainant asks that his village may be restored.

2. The Durbar agent states that the grant of this village was made to the firm of Hari Bhagti when the State was in debt to it, and that, now the debts have been cleared off, there is no reason for continuing it.

3. The Resident in his final statement, dated 5th January 1874, urges that the grant was an hereditary one, and had no condition attached to it; and further, that as it was assigned by the Peshwa, its attachment simply amounts to spoliation.

4. The Sanad granting the village in question to the original holder has not been produced before the Commission, but if, as stated by complainant, it was given by the Peshwa, the Gaekwar's Government is clearly not warranted in resuming the village, excepting on special and adequate grounds.

The Commission has already in the case of the complaints of the bankers of Baroda recorded its opinion that the resumption of the Inam villages held by this class, under grants of previous Gaekwars, on hereditary tenure, on the ground stated by the Durbar, viz., the clearance off of State debts, is not justified by the terms of the grants.

### II.—Case No. 58.

Complainant, a Shroff of Baroda, states that the present Chief deprived him in 1871, without any reason, of an Inam village of the annual value of Rs. 2,500, and a palki allowance of Rs. 1,392, which had been granted to his father many years ago by Seiaji Gaekwar. Complainant produces two Sanads. That for the village, assigning it to him in perpetuity, is admitted by the Durbar agent to be genuine; but that for the "palki" allowance is demurred to, as not being an hereditary grant, and not having the Maharaja's signature, but only that of a Vahivatdar.

2. The Durbar agent assigns the same reason for the resumption of the village and allowance as in the preceding case No. 57.

3. The Resident in his final statement, dated 5th January 1874, expresses his hope that the village may be restored to complainant.

4. The Commission is of the same opinion as to the insufficiency of the ground assigned by the Durbar for the resumption of complainant's Inam village, as in the case of Hari Bhagti's firm (No. 37), but the stoppage of the "palki" allowance seems to have been quite warranted.

### III.—Case No. 59.

The complainant, Patel of Baroda, states that the present Chief deprived him in 1871, without any cause or reason that he is aware of, of an Inam village of the annual value of Rs. 5,000, and a "palki" allowance of Rs. 600 granted to his father by the late Gaekwar, Khunderao, and enjoyed by him (complainant) since his father's death in 1863. Complainant produces separate Sanads for both grants, assigning them hereditarily, and in perpetuity (which the Durbar agent admits to be genuine), and adds that the village has been given by His Highness Mulharrao to Govindrao Mama, one of the Durbar agents attending the Commission.

2. The Durbar agent states that the village was held on service tenure, and it having been found, after the accession of the present Chief, that complainant's father had been guilty of receiving bribes, and had caused extensive loss to the State in the works entrusted to him, he was deemed untrustworthy and unfit for further employ. The village was therefore resumed, and the allowance stopped.

3. The Resident in his final statement, dated 6th January 1874, remarks that the alleged frauds which formed the ground for the resumption complained of were not discovered till eight years after the death of complainant's father, and that the petitioner's chief sin appears to have been that he was in the enjoyment of favours derived from the late Maharaja.

4. The resumption in the case of this complainant appears to the Commission to have been a high-handed and arbitrary act on the part of the Durbar, and the ground assigned for it can hardly, under the circumstances, in the absence of a formal proceeding of inquiry into the alleged frauds, be accepted as a sufficient justification therefor.

### IV.—Case No. 62.

The complainant, a banker of Baroda, states that he was deprived by the present Chief in 1870, without any cause or reason that he knows of, (1) a torch allowance of Rs. 72, granted him by Anandrao Gaekwar ; (2), a palki allowance of Rs. 700, granted him in 1833 by Maharaja Seiajirao, and (3) his Inam village of the value of Rs. 2,000 granted him by the late Gaekwar Khunderao. He has not produced the Sanads for these several grants, but states he has them at home. Complainant's father had advanced Rs. 1,281–4–0 to the present Chief in 1865, on the security of a gold watch and a bond for the amount, which, his father having died in the interval, he was required to give up on His Highness Mulharrao's accession. He did so, and was refused repayment of the amount due by the Maharaja himself.

2. The Durbar agent states that the torch and palki allowances were granted to complainant's father when he was Munim of Hari Bhagti's firm, and were resumed at the same time, and for the same reason, as the similar allowances enjoyed by that firm. The Inam village was conferred in connexion with his father's official post, as Munim of the Sir Sooba's treasury, and was resumed on his death. Complainant's story about the loan made to the present Chief on the security of a watch is untrue.

3. The Resident states that the Sanad for the village is an hereditary and not a mere life one, and that the ground stated for the resumption of the allowances cannot justify the measure. He remarks that it is significant that the agent has simply denied the story regarding the loan made to His Highness on the security of the watch, but that he did not put any question to complainant on the point.

4. The non-production of the Sanads by the complainant has rendered it impossible to form a trustworthy judgment in this case, but assuming that the Resident has verified the hereditary character of the Sanad of the late Chief conferring the village, the Commission is of opinion that the action taken by the Durbar towards the complainant in its resumption has been, as in other similar cases, harsh and arbitrary. The Commission cannot form an opinion as to the stoppage of the torch and palki allowances, which would appear to stand on a different footing to that of the village.

### General Observations of the Commission.

V. The Commission is of opinion that the proceedings of the Durbar towards the complainants composing this group of grievances has been of an arbitrary character, and is calculated to occasion a feeling of uncertainty and anxiety amongst all persons of the classes concerned, holding hereditary Inams under grants from previous Gaekwars.

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### Case No. 64.

### Question of Prison Reform generally in the Baroda State.

1. In his remarks under this head in the above cas the Resident draws attention to the alleged practice of flogging women in jail, in view to its being ascertained from the Durbar agent if it exists or not, and, if so, what measures are proposed by the Durbar for adoption regarding its suppression.

The practice can, it is stated, be proved to exist in the Baroda jail by the evidence of persons who have been confined therein, and it has also been shown in the Visnagar and Patan torture cases as having occurred in those districts.

The Resident is of opinion that the Baroda jail should be again visited occasionally by himself and the Residency Surgeon, as formerly, and that the question of jail registers, subsistence allowance, &c., should receive attention.

2. The Durbar agent states that it is not customary to divest female prisoners of their clothes and flog them, and that any Durbar official guilty of such an act would on conviction be punished. It was customary to correct female prisoners, who refused to do the work allotted them, gently with a stick, but it was ordered to be discontinued two months ago.

With regard to the Resident's suggestion that the Baroda jail should be occasionally visited by him and the Residency Surgeon, the latter officer has never been in the habit of visiting it, but the Resident has done so occasionally.

The agent adds that proper arrangements exist already regarding the maintenance of a register of prisoners, grant of subsistence allowance, &c.

3. The evidence that has come before the Commission in this matter hardly supports the charge of the "habitual flogging" of women in the Baroda jail in an indecent or cruel manner, but there appears to be no doubt that female prisoners were liable to personal correction by being struck with a stick as admitted by the Durbar.

This practice is stated to have been lately forbidden, and the Commission is of opinion that the Maharaja should be recommended to issue a general proclamation, absolutely interdicting, under severe penalties, the personal ill-treatment, in this or any other way, of females, whether in jail, or before the courts or under examination by the police, and that a copy of such proclamation be forwarded by the Durbar for the information of Government.

With regard to the visitation of the Baroda jail by the Residency Surgeon and the Resident the Commission does not feel called on to offer any opinion. It is not aware that such visitations by the Residency Surgeon are ever made elsewhere, and they would, it seems to the Commission, bear the appearance of an unusual and uncalled-for interference with a Durbar institution. A Resident or Political Agent, however, is always at liberty to make them, or intimating to the Durbar that he proposes to do so, and as the Agent states this was formerly the practice at Baroda, there is apparently nothing to prevent its revival.

When making such visits, the Resident could, if he deemed such advisable, always be accompanied by his Assistant, or the Residency Surgeon.

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## Case No. 65 of SCHEDULE II. and No. 13 of SCHEDULE III.

### Complaints of Obstruction offered by the Gaekwar's Government, or its Officials, to parties desiring to appear before the Commission to state their grievances.

### I.—Case No. 65 of Schedule II.

1. Petitions from the ryots of Naosari Purgunna, viz.:

(1.) From 100 ryots to the Resident, dated 7th November 1873, complaining of the oppression practised on them by the officials of the Gaekwar's Government, through terror of whom they are afraid to come forward and state their grievances to the Commission, which they desire to do; add that they have appealed to the Durbar, but have failed to get any redress.

(2.) From 22 ryots (who had left their houses and come into British territory) to the Collector of Surat, dated 14th December 1873, stating that because they went to Baroda and petitioned the Resident regarding the oppression practised on them, they were on their return informed by the local officials that they should in consequence have to go to the British districts, and that they were then subjected to such oppression in various ways, that they were compelled to abandon their houses and crops and leave the Purgunna.

(3.) From three ryots to the Resident, dated 2nd December 1873, complaining of the obstruction thrown in the way of those amongst them who desire to come to Baroda and give evidence before the Commission, several of such persons having been imprisoned to prevent their doing so. Petitioners allege that they had left their village secretly with this object, and solicit that the depositions of their grievances may be taken and recorded. (The statement of one of these petitioners, Shankraji Shivram by name, has been taken by the Commission and will be found in the file.)

(4.) From 26 ryots of six villages of the Balesar Purgunna of Naosari to the Resident, date not given, representing that organised attempts are being made by the Durbar officials to prevent their coming to Baroda to lay their grievances before the Commission, and that they are compelled to sign papers prepared by these officials. Petitioners complain of the over-assessment imposed on them, and their poverty-stricken condition in consequence, and that they can get no redress from any quarter.

2. The Resident further refers to an arbitrary proclamation issued by the Durbar in August last, enjoining general abstinence from animal food, as indicating an intolerant spirit and desire to interfere with the civil liberty of other classes than Hindus.

3. Shankraji Shivram, one of the three petitioners referred to above under subhead (3), appears before the Commission and states that, 24 or 25 days previously, 94 ryots of the Naosari Purgunna determined to make a petition to the Commission, but their intention must have been revealed to the Thana, for the night before they had arranged to start, sepoys were sent to all the villages, and some men were arrested. Four sepoys came at midnight to deponent's village, bringing two or three arrested ryots with them. Deponent managed to get away, and has come to Baroda. The object of the arrests was to prevent their making their petition to the Commission. The petition of the 94 men referred to is with the Resident. Deponent adds that they had been previously oppressed by the levying of Nazarana, &c.

4. The Durbar agent states that no order to stop petitioners coming up before the Commission has ever been issued by the Durbar, nor has it any knowledge of any difficulty having been put in the way of their doing so. If such has been done, it has been so without the Durbar's sanction. When the Resident brought to the Maharaja's notice that he had received a petition, stating that people were not allowed to come up to represent their grievances before the Commission, an order was issued directing the Vahivatdar to throw no obstacle in the petitioners' way. The agent cannot say if the order was a verbal or a written one.

5. The case of the above petitions was only laid before the Commission by the Resident two days before it closed its proceedings at Baroda, and it had therefore no opportunity of holding an inquiry into the statements made in them further than taking the evidence of Shankraji Shivram, the only complainant who was in attendance for that purpose.

The attention of the Durbar agent was, however, at once drawn by the President of the Commission to the grave character of the complaints against the action of the Durbar officials made by the petitioners, and he was urged to lose no time in bringing the subject to the notice

of the Maharaja, in view to the immediate adoption, under His Highness' orders, of such measures as might be necessary to remove any further ground of complaint on this score, and for the due punishment of any officials who had been guilty of, or concerned in, the conduct complained of.

With respect to the object of the intended attendance of the ryots whose petitions have been laid before the Commission, it is understood that their grievances are precisely similar to those of the ryots of the Pitlad and other Purgunnas, whose complaints have already received the full consideration of the Commission, and as the group consisting of that class of cases had been already completed, the non-attendance of the petitioners has not been of any material consequence, and will not involve any inattention to their grievances on the part of the Commission. Indeed, looking at the excitement that has extended amongst the agricultural classes, in connexion with the assembly of the Commission, chiefly, apparently, from a prevalent idea that the latter was going to take up the question of the land assessment, in view to a general reduction of the existing high rates so much complained of, the Commission is not disposed to regret that the petitioners in the present case have not come to Baroda, but it is of opinion that the Durbar should be required to state what has been the result of the inquiry held by it into the allegations against its local officials in this matter, and what notice has been taken of their misconduct, if proved; and the Resident has been addressed to this effect.

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## II.—Case No. 13, Schedule III.

Complaint of one Valli Tar, Vakil, resident of Amreli Mahal, Kattiawar.

1. Complainant states that, as Vakil for the Thakors of Manpur, it became his duty on various occasions to petition the Resident in their case, and, further, that on returning to Baroda he was in the habit of seeing the Resident daily. That shortly after his return to Baroda he was sent for to the Fouzdari, when Balwuntrao Yeshwunt asked him if it were true that he acted as above. On admitting both points he was sent to the Court of Balwuntrao Deo and Narayenbhai, who sentenced him to 10 years' imprisonment for so doing. All his Daftar and papers were seized. He was released after 15 days at the instance of the Resident. On receiving back his papers, he found some missing.

2. The Fouzdar Balwuntrao Yeshwunt, who is present as one of the members in attendance on behalf of the Gaekwar Government before the Commission, states that the complainant was brought before him, charged with making improper petitions against the Maharaja, and that after inquiry he sent the case up for disposal to the Court of Balwuntrao Deo and Narayenbhai.

The Durbar agent replies to the allegation of the deponent, that, on the information of one Mansukh Garvar, to the effect that Valli Tar had preferred a complaint falsely calumniating the Durbar and its officers, and that the draft of it would, if his house were searched, be found, the police were directed to make the necessary search, and that while examination was going on, and deponent was under surveillance, the Resident interfered and procured the discharge. His papers were returned, but if any should have been kept back and can be found they will be given back to him. The assertion that he was sentenced to 10 years' imprisonment is false.

3. In his final reply on this case, dated 6th January 1874, the Resident contends that the complaint of gross ill-treatment of deponent by the Durbar officials for making representations to him must be accepted as substantially true, as the Durbar agent forbore to cross-question him in the presence of the Commission. The Resident cites this and other cases as proofs that organised attempts have been made by the Durbar to deter petitioners from coming forward, and to terrify those who have already complained.

4. The admission of the Durbar agent in this case appears to the Commission to show clearly that the Durbar desired to check the freedom of petition by their ryots to the Residency. In so acting, it was, in the opinion of the Commission, very ill-advised, especially with reference to the expectation expressed by His Excellency the Viceroy and Governor General in his Kharita dated 19th September 1873, to the Maharaja's address, that His Highness would afford to the Commission every assistance in his power during the continuance of its investigations. The Commission cannot, on the simple statement of the complainant, accept, as proved, his assertion that he was informed that a sentence of 10 years' imprisonment had been passed on him, which is denied by the Durbar agent, but it can have no hesitation in recording its strong condemnation of the Durbar's action towards complainant, under present circumstances, on the grounds stated by it.

It is only necessary to add that the complainant in this case had no grievance of his own originally to bring forward, but was employed in drawing up petitions for other parties, and he may have been viewed by the Durbar as thereby inciting complaints against the Maharaja, and therefore meriting punishment.

5. It is perhaps only proper for the Commission to record here, in reference to this class of complaint, that, as indeed might be expected, the opportunity afforded by the assembly of the Commission has, it has been stated, been taken advantage of by many discontented or mischievous persons throughout the Baroda limits to urge the people to bring forward their grievances against the Gaekwar's Government, and that the knowledge of this fact has doubtless actuated the Durbar in the present case.

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## SCHEDULE II.

### Case No. 66.

### Bhow Scindia's Creditors and Estate.

In this case certain creditors of the late Bhow Scindia allege that, though that person left very large sums of money, which have been attached by the State, they cannot obtain any benefit from the decrees which have been recorded in their favour. The Commission in this instance did not think it necessary for each creditor to make a detailed statement, but contented itself with bringing to the notice of the Durbar the remarks made by the Resident under No. 66 of Schedule II.

2. To these remarks the Durbar agent replies that the sum stated to have been left by the late Bhow Scindia has been enormously exaggerated, and does not amount to five lakhs, much less to 30 or 50, as has been said; that from the amount that is under attachment certain State fees and claims have to be deducted, but should there be any residue after this has been done, it will be handed over to the widows or creditors of the late Bhow Scindia. The Durbar agent adds that it is notorious that Bhow Scindia during his lifetime remitted large sums to his native village.

3. The Resident of Baroda, in his final statement, urges that the estate left by Bhao Sindia was much larger than is allowed by the Durbar; and after some general remarks on the spoliation of property by the Gaekwar's officials, submits that "the Durbar should be required "to produce all the documents that may be in their possession relative to the estate of the "late Bhow Scindia, and that the whole case should be submitted to some independent authority "for equitable adjudication."

### General Observations and Opinion of the Commission.

4. The statements as to the amount of property left by the late Bhow Scindia are so conflicting that it is difficult to say where the truth lies, and the Commission does not feel called upon or in a position to decide the matter.

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Abstract Statement showing the Reductions carried out in the Establishment Allowances of the Sardars and Silledars from Sanvat 1870 (A.D. 1813–14) to 1926 (A.D. 1869–70); and from A.D. 1870–71 to 1872–73 inclusive.

| Svt. / A.D. Year. | Total allowances per annum. | | | Reduction. | | | Amount payable per annum. | | |
|---|---|---|---|---|---|---|---|---|---|
| | Rs. | A. | P. | Rs. | A. | P. | Rs. | A. | P. |
| 1870 / 1813–14 | 12,550 | 0 | 0 | 11,050 | 0 | 0 | 1,500 | 0 | 0 |
| 1871 / 1814–15 | 14,590 | 0 | 0 | 14,590 | 0 | 0 | — | | |
| 1872 / 1815–16 | 3,03,660 | 0 | 0 | 18,910 | 0 | 0 | 2,84,750 | 0 | 0 |
| 1873 / 1816–17 | 8,900 | 0 | 0 | 8,900 | 0 | 0 | — | | |
| 1874 / 1817–18 | 3,460 | 0 | 0 | 3,080 | 0 | 0 | 380 | 0 | 0 |
| 1875 / 1818–19 | 9,800 | 0 | 0 | 9,800 | 0 | 0 | — | | |
| 1876 / 1819–20 | 3,50,802 | 0 | 0 | 68,030 | 0 | 0 | 2,82,772 | 0 | 0 |
| 1877 / 1820–21 | 1,080 | 0 | 0 | 1,080 | 0 | 0 | — | | |
| 1878 / 1821–22 | 1,50,139 | 12 | 0 | 1,32,066 | 0 | 0 | 18,073 | 12 | 0 |
| 1879 / 1822–23 | 48,180 | 0 | 0 | 15,640 | 0 | 0 | 32,540 | 0 | 0 |
| 1880 / 1823–24 | 26,360 | 0 | 0 | 11,460 | 0 | 0 | 14,900 | 0 | 0 |
| 1881 / 1824–25 | 5,500 | 0 | 0 | 5,500 | 0 | 0 | — | | |

| Svt. ——Year. A.D. | Total allowances per annum. | | | Reduction. | | | Amount payable per annum. | | |
|---|---|---|---|---|---|---|---|---|---|
| | Rs. | A. | P. | Rs. | A. | P. | Rs. | A. | P. |
| 1882 / 1825–26 | 2,19,794 | 7 | 0 | 30,016 | 0 | 0 | 1,89,778 | 7 | 0 |
| 1883 / 1826–27 | 1,49,305 | 2 | 0 | 33,654 | 0 | 0 | 1,15,651 | 2 | 0 |
| 1884 / 1827–28 | 48,990 | 0 | 0 | 48,490 | 0 | 0 | 500 | 0 | 0 |
| 1885 / 1828–29 | 10,780 | 0 | 0 | 10,680 | 0 | 0 | 100 | 0 | 0 |
| 1886 / 1829–30 | 1,400 | 0 | 0 | 1,400 | 0 | 0 | — | | |
| 1887 / 1830–31 | 11,690 | 0 | 0 | 11,690 | 0 | 0 | — | | |
| 1888 / 1831–32 | 37,180 | 0 | 0 | 7,980 | 0 | 0 | 29,200 | 0 | 0 |
| 1889 / 1832–33 | 40,068 | 0 | 0 | 25,868 | 0 | 0 | 14,200 | 0 | 0 |
| 1890 / 1833–34 | 7,310 | 0 | 0 | 4,760 | 0 | 0 | 2,550 | 0 | 0 |
| 1891 / 1834–35 | 3,455 | 0 | 0 | 2,725 | 0 | 0 | 730 | 0 | 0 |
| 1892 / 1835–36 | 21,895 | 0 | 0 | 5,890 | 0 | 0 | 16,005 | 0 | 0 |
| 1893 / 1836–37 | 37,740 | 0 | 0 | 37,740 | 0 | 0 | — | | |
| 1894 / 1837–38 | 3,100 | 0 | 0 | 2,600 | 0 | 0 | 500 | 0 | 0 |
| 1895 / 1838–39 | 500 | 0 | 0 | 200 | 0 | 0 | 300 | 0 | 0 |
| 1896 / 1839–40 | 48,315 | 0 | 0 | 48,257 | 8 | 0 | 57 | 8 | 0 |
| 1897 / 1840–41 | 500 | 0 | 0 | 500 | 0 | 0 | — | | |
| 1898 / 1841–42 | 2,757 | 8 | 0 | 2,757 | 8 | 0 | — | | |
| 1899 / 1842–43 | 1,464 | 0 | 0 | 1,464 | 0 | 0 | — | | |
| 1900 / 1843–44 | 2,275 | 0 | 0 | 2,275 | 0 | 0 | — | | |
| 1901 / 1844–45 | 2,750 | 0 | 0 | 2,750 | 0 | 0 | — | | |
| 1902 / 1845–46 | 920 | 0 | 0 | 920 | 0 | 0 | — | | |
| 1903 / 1846–47 | 12,367 | 9 | 3 | 4,600 | 0 | 0 | 7,767 | 9 | 3 |
| 1904 / 1847–48 | 900 | 0 | 0 | 300 | 0 | 0 | 600 | 0 | 0 |
| 1905 / 1848–49 | 1,800 | 0 | 0 | 1,100 | 0 | 0 | 700 | 0 | 0 |
| 1906 / 1849–50 | 1,63,767 | 9 | 3 | 83,400 | 0 | 0 | 80,367 | 9 | 3 |

| Svt. ——Year. A.D. | Total allowances per annum. | | | Reduction. | | | Amount payable per annum. | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Rs. | A. | P. | Rs. | A. | P. | Rs. | A. | P. | |
| 1907 / 1850–51 | 33,430 | 4 | 0 | 14,205 | 9 | 0 | 19,224 | 11 | 0 | |
| 1908 / 1851–52 | 49,974 | 11 | 0 | 21,993 | 0 | 0 | 27,981 | 11 | 0 | |
| 1909 / 1852–53 | 69,378 | 2 | 9 | 46,800 | 0 | 0 | 22,578 | 2 | 9 | |
| 1910 / 1853–54 | 1,04,238 | 3 | 0 | 41,673 | 0 | 0 | 62,565 | 3 | 0 | |
| 1911 / 1854–55 | 1,02,244 | 3 | 3 | 5,605 | 10 | 0 | 96,638 | 9 | 3 | |
| 1912 / 1855–56 | 60,167 | 10 | 0 | 17,167 | 6 | 9 | 43,000 | 3 | 3 | |
| 1913 / 1856–57 | 50,818 | 9 | 0 | 41,494 | 3 | 0 | 9,324 | 6 | 0 | Khunderao ascended the Gadi in this year. |
| 1914 / 1857–58 | 8,288 | 8 | 3 | 4,350 | 9 | 3 | 3,937 | 15 | 0 | |
| 1915 / 1858–59 | 41,466 | 14 | 0 | 6,665 | 2 | 9 | 34,801 | 11 | 3 | |
| 1916 / 1859–60 | 23,364 | 1 | 0 | 6,649 | 11 | 6 | 16,714 | 5 | 6 | |
| 1917 / 1860–61 | 84,204 | 8 | 0 | 46,934 | 12 | 0 | 37,269 | 13 | 0 | |
| 1918 / 1861–62 | 1,17,121 | 8 | 3 | 52,052 | 0 | 3 | 65,069 | 8 | 0 | |
| 1919 / 1862–63 | 67,496 | 10 | 0 | 36,330 | 2 | 0 | 31,166 | 8 | 0 | |
| 1920 / 1863–64 | 26,841 | 14 | 0 | 4,910 | 11 | 0 | 21,931 | 3 | 0 | |
| 1921 / 1864–65 | 26,705 | 9 | 3 | 2,563 | 5 | 9 | 24,142 | 3 | 6 | |
| 1922 / 1865–66 | 26,374 | 3 | 9 | 21,032 | 3 | 9 | 5,342 | 0 | 0 | |
| 1923 / 1866–67 | 64,444 | 13 | 3 | 18,997 | 3 | 0 | 45,447 | 10 | 3 | |
| 1924 / 1867–68 | 19,058 | 10 | 3 | 9,058 | 10 | 3 | 10,000 | 0 | 0 | |
| 1925 / 1868–69 | 13,091 | 4 | 9 | 11,591 | 4 | 9 | 1,500 | 0 | 0 | |
| 1926 / 1869–70 | 3,364 | 0 | 0 | 2,716 | 0 | 0 | 648 | 0 | 0 | |
| TOTAL | 27,57,620 | 4 | 3 | 10,84,913 | 9 | 0 | 16,72,706 | 11 | 3 | |
| | Since Mulharrao's Accession. | | | | | | | | | |
| 1927 / 1870–71 | 1,76,460 | 8 | 3 | 1,72,194 | 8 | 6 | 4,266 | 0 | 0 | Mulharrao ascended the Gadi this year. |
| 1928 / 1871–72 | 1,41,047 | 0 | 0 | 1,13,959 | 0 | 0 | 27,088 | 0 | 0 | |
| 1929 / 1872–73 | 74,918 | 9 | 6 | 67,804 | 8 | 6 | 7,114 | 1 | 0 | |
| TOTAL | 3,92,426 | 0 | 0 | *3,53,958 | 0 | 0 | 38,468 | 0 | 0 | |

* NOTE.—The Durbar statement shows that of the total reductions here shown, Rs. 1,93,500 were made in the establishment of favourites of His Highness the late Gaekwar Khunderao.

ABSTRACT STATEMENT showing the REDUCTION carried out in the ESTABLISHMENT ALLOWANCES of the SEBANDIS from SANVAT 1877 (A.D. 1820–21) to 1926 (A.D. 1869–70); and from A.D. 1870–71 to 1872–73 inclusive.

| Svt. Year. / A.D. | Total allowances per annum. | | | Reduction. | | | Amount payable per annum. | | |
|---|---|---|---|---|---|---|---|---|---|
| | Rs. | A. | P. | Rs. | A. | P. | Rs. | A. | P. |
| 1877 / 1820–21 | 600 | 0 | 0 | 600 | 0 | 0 | — | | |
| 1880 / 1823–24 | 27,162 | 0 | 0 | 4,872 | 0 | 0 | 22,290 | 0 | 0 |
| 1881 / 1824–25 | 4,132 | 13 | 0 | 1,682 | 10 | 0 | 2,450 | 3 | 0 |
| 1883 / 1826–27 | 1,35,074 | 2 | 3 | 12,368 | 5 | 9 | 1,22,705 | 12 | 6 |
| 1884 / 1827–28 | 18,064 | 11 | 0 | 18,064 | 11 | 0 | — | | |
| 1885 / 1828–29 | 35,606 | 4 | 0 | 7,737 | 0 | 0 | 27,869 | 4 | 0 |
| 1886 / 1829–30 | 29,494 | 0 | 0 | 4,275 | 0 | 0 | 25,219 | 0 | 0 |
| 1889 / 1832–33 | 15,874 | 1 | 0 | 13,736 | 3 | 0 | 2,137 | 14 | 0 |
| 1890 / 1833–34 | 9,277 | 14 | 0 | 5,565 | 6 | 0 | 3,712 | 8 | 0 |
| 1891 / 1834–35 | 90,099 | 2 | 0 | 6,154 | 0 | 0 | 83,945 | 2 | 0 |
| 1893 / 1836–37 | 4,481 | 12 | 0 | 3,667 | 2 | 0 | 814 | 10 | 0 |
| 1894 / 1837–38 | 12,950 | 3 | 0 | 723 | 2 | 0 | 12,227 | 1 | 0 |
| 1895 / 1838–39 | 22,269 | 12 | 0 | 5,478 | 7 | 9 | 16,791 | 4 | 3 |
| 1897 / 1840–41 | 38,098 | 0 | 0 | 280 | 0 | 0 | 37,818 | 0 | 0 |
| 1898 / 1841–42 | 45,725 | 8 | 0 | 3,418 | 2 | 0 | 42,307 | 6 | 0 |
| 1899 / 1842–43 | 5,011 | 14 | 0 | 4,748 | 14 | 0 | 263 | 0 | 0 |
| 1900 / 1843–44 | 9,360 | 8 | 0 | 9,096 | 7 | 0 | 264 | 1 | 0 |
| 1901 / 1844–45 | 331 | 9 | 0 | 331 | 9 | 0 | — | | |
| 1903 / 1846–47 | 2,925 | 0 | 0 | 2,925 | 0 | 0 | — | | |
| 1904 / 1847–48 | 830 | 0 | 0 | 470 | 0 | 0 | 360 | 0 | 0 |
| 1905 / 1848–49 | 1,100 | 0 | 0 | 200 | 0 | 0 | 900 | 0 | 0 |
| 1906 / 1849–50 | 28,891 | 1 | 0 | 22,004 | 10 | 0 | 6,886 | 7 | 0 |
| 1907 / 1850–51 | 47,453 | 11 | 0 | 9,838 | 8 | 0 | 37,615 | 3 | 0 |
| 1908 / 1851–52 | 312 | 1 | 0 | 216 | 1 | 0 | 96 | 0 | 0 |

| Svt. ——Year. A.D. | Total allowances per annum. | Reduction. | Amount payable per annum. | |
|---|---|---|---|---|
| | Rs. A. P. | Rs. A. P. | Rs. A. P. | |
| 1909 / 1852–53 | 318 0 0 | 318 0 0 | — | |
| 1910 / 1853–54 | 1,788 12 0 | 1,504 13 6 | 283 14 6 | |
| 1911 / 1854–55 | 2,338 13 3 | 2,038 13 3 | 300 0 0 | |
| 1912 / 1855–56 | 11,525 0 0 | 6,325 0 0 | 5,200 0 0 | |
| 1913 / 1856–57 | 4,621 12 0 | 2,565 14 0 | 2,055 14 0 | Khunderao ascended the Gadi in this year. |
| 1914 / 1857–58 | 1,425 14 0 | 1,185 14 0 | 240 0 0 | |
| 1915 / 1858–59 | 5,184 0 0 | 5,184 0 0 | — | |
| 1916 / 1859–60 | 8,058 12 0 | 7,657 2 0 | 401 10 0 | |
| 1917 / 1860–61 | 32,323 2 0 | 32,120 10 0 | 202 8 0 | |
| 1918 / 1861–62 | 3,206 4 0 | 1,035 0 0 | 2,171 4 0 | |
| 1919 / 1862–63 | 36,657 6 0 | 20,672 7 0 | 15,984 15 0 | |
| 1920 / 1863–64 | 25,305 8 6 | 21,290 12 6 | 4,014 12 0 | |
| 1921 / 1864–65 | 47,678 8 0 | 29,308 14 9 | 18,369 9 3 | |
| 1922 / 1865–66 | 2,08,411 10 9 | 2,08,411 10 9 | — | |
| 1923 / 1866–67 | 1,38,853 2 9 | 1,38,853 2 9 | — | |
| 1924 / 1867–68 | 56,300 7 0 | 56,300 7 0 | — | |
| 1925 / 1868–69 | 4,67,199 14 0 | 78,615 15 9 | 3,88,583 14 3 | |
| 1926 / 1869–70 | 33,424 9 6 | 33,373 5 6 | 51 4 0 | |
| TOTAL | 19,89,004 9 0 | 7,69,064 1 3 | 12,19,940 7 9 | |
| | Since Mulharrao's Accession. | | | |
| 1927 / 1870–71 | 7,549 0 0 | 7,549 0 0 | — | Mulharrao ascended the Gadi this year. |
| 1928 / 1871–72 | 14,498 0 0 | 14,498 0 0 | — | |
| 1929 / 1872–73 | 96,651 0 0 | 93,151 0 0 | 3,500 0 0 | |
| TOTAL | 1,18,698 0 0 | 1,15,198 0 0 | 3,500 0 0 | |

## SCHEDULE III.

### Cases Nos. 2 and 3.

### Claims of certain Jewellers of Ahmedabad on account of Jewels sold by them to Maharaja Mulharrao.

The circumstances of these claims are set forth at length under the above cases in Schedule III., and are summarised as follows:—

#### I.—Case No. 2.

Complainant brought certain jewels, valued by him at 3 or 3¼ lakhs of rupees, for sale to the Maharaja on the occasion of his marriage nearly three years ago. The jewels were placed in the Jamdar Khana for about a month, and complainant was then summoned, and informed that their value was estimated at about Rs. 2,50,000 to Rs. 2,60,000. After some discussion the sum of Rs. 2,71,790 was offered to complainant, and accepted by him, and that amount was credited to his account, and a few days subsequently orders for its payment were made out and signed by the Maharaja. The marriage had then taken place, and the jewels had been worn by the Rani. Complainant then went to get the orders for the money, but was told he could not receive the full amount, on which he stated he must either receive it or take back his jewels; he was told they could not be returned as the Rani had worn them. He afterwards heard that the orders had been cashed by Wussuntram Bhow, who was in charge of the State Bank, and that the amount had been deposited by him at interest in the bank. Complainant subsequently petitioned the Maharaja three times by letter, but without any result. Afterwards one of the firm visited Baroda, and presented a petition in person to His Highness, who referred him to the Dewan. The Dewan ultimately made three proposals, viz:—

(1.) That two jewellers of Ahmedabad and two of Baroda should re-value the ornaments, and that complainant should accept the price fixed by them, without interest thereon, except for the first twelve months.

(2.) That complainant should receive back the ornaments, and that the Maharaja would pay any reasonable loss he had sustained by their retention by him.

(3.) That complainant should agree to receive the amount the Durbar may fix in full satisfaction of his claim.

Complainant declined to entertain either of these proposals, and petitioned the Resident for redress, placing his claim at Rs. 2,71,799, the amount originally fixed, and Rs. 39,333 interest thereon at six per cent. per annum.

2. The explanation of this case given by the Durbar agent and by the Maharaja personally to the President of the Commission is, that when the jewels came to be carefully examined, after the marriage, with those purchased from other jewellers for the occasion, it was found that they were considerably below the value it was first proposed to put on them, and a fair re-valuation was accordingly made of the whole, and the amount refixed offered accordingly to the several jewellers concerned, by all of whom the same was accepted, excepting complainant and another Ahmedabad jeweller.

It is denied that the return of the jewels to complainant was refused. On the contrary, the Durbar alleges that he was told to take them if he was not satisfied with the price offered for them.

3. The Commission observes that the main facts in this case are admitted on both sides. The complainant, no doubt, regarded the transaction as concluded, but so long as the orders for the price of the jewels were not delivered to him and actually cashed, the Durbar considered that such was not the case.

The Maharaja protests that he was deceived as to the worth of the jewels, and was and is willing to pay their real value.

No doubt the complainant has good ground for dissatisfaction at the non-settlement of his claim, and were both parties to the contract British subjects, he could probably sue His Highness successfully in a civil court, but such delays and disputes are of common occurrence on occasions of the purchase of jewels of large value by Native Chiefs, and are well known to be so by the dealers in such articles.

Bearing this in mind, and that very extravagant values are put on their jewels under such circumstances by Native jewellers, the Commission conceives that it would not be justified to take on itself the task of attempting a settlement of this case, for which a fair valuation of the jewels by well-qualified and impartial arbitrators would be absolutely essential, and it has therefore suggested that the jewels be forwarded to Bombay with proper precautions, through the Resident, for this purpose, and that His Highness agree to pay the full amount that may be so fixed on them, or to return the jewels if the complainant decline to receive the same, a reasonable amount being in either case paid to the latter as compensation for the delay that has occurred in the adjustment of his claim.

The Maharaja having intimated his full readiness to accept and abide by this mode of settlement, the further disposal of the matter has been left in the Resident's hands.

The Commission thinks that the two first modes of settlement admitted by complainant to have been proposed by the Dewan, but declined by the former, were not unreasonable, and that it is to be regretted that he did not accept them.

## II.—Case No. 3.

Complainant sent certain jewels shortly before the present Maharaja's marriage, nearly 3 years ago, to the Baroda firm of Bhaichand Vardhaman, which had asked him and others to supply some for sale on the occasion to His Highness. The jewels were taken to Baroda by his son, and were of the value of about 17 lakhs of rupees. About 12 lakhs worth were selected by the Maharaja himself, and their purchase by the Jamdar Khana Kamdar was ordered by His Highness. The price fixed on them was Rs. 11,91,047, and complainant's son requested that the amount might be paid to Gopalrao Myral, and that the receipt of Bhaichand's firm for it might be accepted on complainant's behalf. Gopalrao Myral was requested to receive the amount, and, after adjusting a debt of Rs. 1,89,834 due to him by complainant in connexion with this transaction, to pay the balance over to Bhaichand's firm, which was instructed to remit the same to complainant at Ahmedabad. The orders for the payment of the amount were drawn out and signed by the Maharaja, but fell into the hands of Wussuntram Bhow, the manager of the State Bank, who cashed them and credited the amounts so realised in that Bank. Hearing this, complainant wrote to Bhaichand, who, on speaking to the Maharaja on the subject, was referred by His Highness to this Vasant Rambhao, and the latter took a receipt, dated 1st July 1871, for the full amount of complainant's claim from the said Bhaichand's firm. Eight days later, Vasant Rambhao paid over Rs. 6,62,259 to Gopalrao Myral, in part of the full amount due, and said that the balance should be paid up afterwards.

Gopalrao Myral retained from this the sum due to him, and paid over the remainder to Bhaichand's firm, as requested by complainant, of which he was duly informed by the said firm. Complainant then begged Bhaichand to get the balance and remit it, but on his applying to Vasant Rambhao for it he refused to pay it. The amount paid to Bhaichand is still in his hands. Complainant has made no application to the Maharaja in the case.

He claims now Rs. 5,28,788, the balance due on the above account with interest thereon.

2. The Durbar agent furnishes the following explanation of this case. The jewels were of the alleged value of the amount claimed, viz., Rs. 11,91,047. They were purchased from the Baroda firm of Bhaichand Vardhavan through Gopalrao Myral, and a receipt for the above sum in full was taken from the said Bhaichand Vardhavan.

The transaction was wholly between Bhaichand's firm and the Sarkar, and Maganlal Hukamchand, the complainant, was no party to it.

The receipt given by Bhaichand was for the full amount originally fixed by the seller, but on the jewels being subsequently valued, the valuation put on them by the jewellers, to whom the same was referred, was Rs. 6,62,259, which Bhaichand agreed to take, and an order for this amount was accordingly given to him, and was cashed by Gopalrao Myral, whose Goomasta gave a receipt for the same, and in full of all demands on account of this transaction.

Bhaichand's attempt to demand more from the Durbar on account of the original receipt is a fraudulent one. He is notorious for his treacherous dealings, and it was in consequence of this that, before paying the six lakhs odd to Gopalrao Myral, a receipt in full of all demands was required from the latter firm.

Bhaichand's own receipt for the full amount is a sufficient reply on the part of the Durbar to Maganlal's claim. This Bhaichand is notoriously dishonest, and has embezzled Government money.

In a personal explanation of this case to the above effect, given by the Maharaja himself to the President of the Commission, His Highness stated that the jewels in question were shown by him to the late Governor, in presence of the then Resident, Colonel Barr, on the occasion of His Excellency's visiting Baroda shortly after his accession, and that His Excellency then expressed the opinion that the price put on the jewels was most exorbitant, and far beyond their real value.

3. The whole question, according to the Durbar's view of it, as gathered from its explanation of this case, appears to hang on the authority of Bhaichand's firm to act as a principal in it, and whether the Durbar in good faith believed him to have such authority. On the former point it seems to be clear that he was only an agent, and had no authority to accept, on the part of the complainant, a smaller sum than he had agreed to take for his jewels. On the latter it appears to be impossible to believe that the Durbar was ignorant that the jewels were the property of the complainant, and not Bhaichand's, and that the latter could have no authority to agree to so large a reduction in the proposed price without the specific sanction of the owner of the property.

Under this view of the case, the Commission is of opinion that the settlement which the Durbar desires to adhere to, and force on the complainant, on the grounds stated by it, is not a justifiable one, and cannot be concurred in, as such, by it.

The question in this case of the real value of the jewels, and of the only course open for ascertaining the same in a trustworthy manner, appears to the Commission to be precisely similar to that of the preceding case in this group, and it has suggested it shall be dealt with in the same way. It is understood that some of the jewels have been broken up, but a sufficient portion no doubt still remains to admit of a just valuation being made of the same and a proximate one of the whole. The Commission sees no other method of dealing with the case without the risk of injustice to one party or the other. As remarked in case No. 2, if both were British subjects

and amenable to a British civil court, the complainant would probably be able to sue His Highness successfully; but as this is not the case, a compromise of some sort appears to be the only alternative.

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### Case No. 5.

(Originally Schedule No. I., Case No. 7.)

The complainant in this case is one Balvantrao Ganesh, and his grievance is that the village of Dawat, Purgunna Baroda, which was given to his father Ganesh Sudaseo by the late Khunderao Gaekwar as a reward for very distinguished services, has been attached by His Highness the present Gaekwar. It seems that the village was granted to Ganesh Sudaseo in 1858, and that he enjoyed it up to his death in 1866. In the following year it was attached, on the ground that it was worth much more than Rs. 10,000, at which nominal value it had been originally given. The attachment continued till Khunderao's death in 1870; and in 1871 His Highness the present Gaekwar, by the advice of Colonel Barr, restored the village to complainant, paying him, at the same time, Rs. 30,000 on the assumption that Rs. 10,000 was the proper annual rental for each of the three years that the village was under attachment. The residue of the revenue for the said three years, amounting to Rs. 43,200-15-0, the Durbar kept for itself. The complainant alleges that in 1872 the village was again attached on the same plea, and that it is still under attachment. In support of his claim complainant produced before the Commission a Sanad, granting his father and his heirs for ever the village in question, which was valued at Rs. 10,000, and specially declaring that, whether the revenue realised became more or less, the difference was to belong to the grantees, and not to Government. This document was not impeached by the Durbar.

2. The Durbar agent states generally that the original intention was to give Ganesh Sudaseo a village yielding a rental of Rs. 10,000 only, which at the time of the grant was erroneously supposed to be the revenue of Dawat; that the words "be the revenue more or less than Rs. 10,000" were improperly entered by the original grantee, who was the Minister of the Gaekwar at the time; that other resumptions, not very dissimilar, were not uncommon; that His Highness the Gaekwar is willing to give complainant a cash payment annually of Rs. 10,000 or a village yielding that rental, in conformity with the original intention of His Highness the late Gaekwar Khunderao; and, lastly, that the very village under discussion was, in order that it might be available for the use of complainant's father, the original grantee, he then being Minister and presumably all-powerful, resumed and taken from the possession of one Bahirji, to whom it had been granted in perpetuity.

3. The Resident in his final statement, dated 30th December 1873, refers to some remarks made by Earl Canning, late Viceroy of India, who declined to guarantee on the part of the British Government the continuance of the village in perpetuity as prayed for by the complainant's father when the village was first granted to him by the late Gaekwar. The Resident further comments on the defence put forward by the Durbar.

### Opinion of the Commission.

There can be no doubt that this village was granted by the late Gaekwar Khunderao to Ganesh Sudaseo, the complainant's father; and, at the time of making the grant, there was an impression on the mind of His Highness that the rental was about Rs. 10,000. But the words of the Sanad clearly prove that if the revenue exceeded that sum, the grantees were alone to get the benefit of the increase. Under these circumstances, looking at the case equitably, the Durbar would appear to have no right now, because the revenue has materially increased, to raise the objection which has been urged by their agent, namely, that the words "be the revenue more or less than Rs. 10,000" were improperly entered in the Sanad by the original grantee, he then being, as Minister, in a position to frame the grant, to the detriment of the State, unduly to his own advantage. But it should be borne in mind that the plea was primarily set forth, and the resumption made by His Highness Khunderao, who originally conferred the grant; and that all that can be urged against His Highness the present Gaekwar is that he will not undo the alleged injustice inflicted by his late brother.

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### Case No. 7.

(Originally Schedule I., Case No. 2.)

The complainant in this matter is one Bhanabhai Lalbhai, who alleges that he, about ten years ago, being a British subject residing at Bulsar, in the district of Surat, supplied stones for boundary marks to His Highness the Gaekwar's Government, and that, notwithstanding repeated applications, he has not been able to obtain payment for the same. He adds that his Wuttun was also attached in 1865 by His Highness Khunderao, the late Gaekwar.

2. The Commission, on reading the papers and hearing the complainant's story from his own mouth, did not think that the investigation of such a case properly came within the range of duties entrusted to it. It pointed out, however, to the Durbar agent that His Highness the Gaekwar ought to settle, as soon as possible, a matter which had been pending for so many years.

3. The Durbar agent, in answer to this, stated that the transaction referred to occurred in the time of the late Gaekwar, and that His Highness the present Gaekwar was quite willing to settle the case on an equitable basis, if the complainant would attend at the Palace, and give all the explanation that was in his power. As regards the Wuttun, also, a promise was made that the facts should be inquired into, and the Wuttun restored, if complainant was entitled to it.

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## Case No. 14.

Representation by the Resident of the present state of the relations of the Gaekwar with the British Government, and the neighbouring States of the Rewa Kanta, Mahi Kanta, Pahlanpur, &c.

In the statement given under this head the Resident draws the attention of the Commission to the great number of cases on various subjects now pending between his office and the Gaekwar's Government, and observes that it is quite clear that unless a very different mode of conducting business than that now followed by the latter is adopted, the just and equitable settlement of these vexed questions appears to be hopeless, and persons entitled to the protection of the British authorities must continue to suffer great loss.

The Resident then quotes extracts from the annual Administration Reports of the Rewa Kanta and Mahi Kanta Agencies in support of this view, as showing that the attitude and action of the Baroda Durbar and its officials for some time past have been unconciliatory and altogether wanting in a spirit of fairness and reciprocity; that hence business is at a stand-still, and that the border country would be in a state of anarchy but for the check imposed by the British Political Agents on aggrieved parties, who would otherwise attempt to take the law into their own hands.

The Resident concludes thus:—"In short, whether it is on behalf of Political Agents of Native "States, or the Collectors of neighbouring British districts, the Resident's advice tendered to His "Highness the present Gaekwar according to treaty, has seldom, if ever, been followed, even "though sound, just, and friendly. Numerous instances of this may be quoted between 1871 "and the present time. Hence business is at a stand-still, and will remain so, until the whole "system of Durbar administration is changed from what it is at present."

2. The Commission has not had the opportunity of investigating any of the class of cases referred to in these remarks, and it is not therefore in a position to pass an opinion on the wide general charge thus preferred against the Gaekwar's Government. It appears, however, to it that if the engagements in force between the two Governments provide, as it is presumed they do, adequately for the settlement of such questions as those referred to, the existence of the present unsatisfactory state of affairs is a serious reproach to the British authorities concerned, whose duty it was to hold the Gaekwar's Government to the due performance of its obligations under the terms of such engagements, and that it is impossible to avoid the impression that some share of the responsibility for the existing defects and want of proper system depicted in such strong terms by the Resident should be laid to their neglect of their duty.

3. The Commission would further remark that a portion of the difficulties complained of may possibly be due to a too minute interference on the part of the Political officers concerned, in behalf of the claims or possessions of Mahi Kanta and Rewa Kanta Hakdars within the limits of the Gaekwar's jurisdiction. The adjustment of such claims, &c., elsewhere, under similar circumstances, is as a rule left wholly to the Native Government, and is not made the subject of interference by the British authorities. The Commission is not in the possession of the information required to enable it to judge if a contrary practice in Gujerat has aggravated the natural difficulties of maintaining good working relations with the Gaekwar's Government in respect of these intermixed jurisdictions, but the point is one that appears to it to merit attention, as a constant interference by Political officers in such matters where the right to do so does not clearly exist is at all times exasperating to a Native Government, and renders the maintenance of reciprocal and friendly relations with it in the disposal of matters at issue in adjoining frontier districts extremely difficult, if not impossible.

# APPENDIX B.

## Cases not investigated for Reasons stated.

## SCHEDULES I., II., and III.

### Cases which have not been inquired into by the Commission.

### I.—Case No. 11, Schedule I.

The case of the complainant in this case has been dealt with by the Magistrate of Surat, with whom it lies to deal with the alleged unlawful seizure of complainant within his jurisdiction by Baroda officials. He has not appeared before the Commission, which was prepared to inquire into his alleged ill-treatment at Naosari, if his claim to protection as a British subject was established. It is understood, however, that he has failed to establish such claim.

### II.—Case No. 7 of Schedule II.

In this case complainant claims (1) the recovery of a sum borrowed by him at Surat, in order to fulfil his agreement with the Baroda Government, and (2) compensation from the latter for having been unjustly deprived of his contract. The case is also stated to include the claim of a certain widow to a refund of money paid by her late husband as bribes to certain persons.

The Commission is of opinion that this is not a case in which it is in any way called on to interfere, and it therefore declines to take it up.

### III.—Case No. 8 of Schedule II.

The complainant in this case claims compensation from the Baroda Government for having been unjustly deprived of his property and forced to become security for the complainant in the preceding case.

The Commission is of opinion that it is not called on to take up this case, and therefore decides not to do so.

### IV.—Case No. 33 of Schedule II.

There is, apparently, no complainant in this case to appear before the Commission. Of the persons concerned in it, one is said to be the Maharaja's mistress, and the others, who are alleged to have been imprisoned, have been released from confinement at the instance of the Resident.

The Commission, after a careful consideration of the circumstances of this case, which occurred two years ago, is of opinion that it is not one that can be taken up to any useful purpose by it. Whatever injustice may have been committed by the Gaekwar towards any of the persons concerned, it is clear that the opportunity therefor was afforded by the irregular and illegal procedure of the Railway Magistrate at Bhosawul, and the neglect of the then Resident to require the re-transfer of the said persons to him, until a proper case for their delivery to the Durbar had been made out to his satisfaction. The Commission could only deal with the case by taking on itself the duty of now holding the inquiry which should have been held by the Resident before formally authorising the surrender of the accused persons to the Durbar, and this it does not feel itself called on or competent to do.

### V.—Case No. 34 of Schedule II.

The complainant in this case, a palace "Loundi" in the service of the Rani, is stated to have been imprisoned by order of the present Maharaja, but without any judicial inquiry, for a year and a half, on a charge connected with an alleged palace intrigue. It is stated that she was further divorced from her husband, and her father was fined Rs. 2,000 in connexion with the charge against her.

The Commission is of opinion that this is not a case in which an investigation by it is either desirable or necessary. It is clearly one of a class in which no Native Chief with any pretension to independent jurisdiction would deem it necessary to hold a judicial inquiry; and the one-sided reports regarding which that may reach a Political officer—for no Durbar would enter into an explanation in such a case—are obviously untrustworthy. The complainant has been released at the instance of the Resident, and the further interference of the Commission in the case would, according to its views, be both improper and objectless.

### VI.—Case No. 36 of Schedule II.

The case of this complainant is similar to that of No. 34, and the Commission on the same grounds deems it unnecessary to investigate it. The complainant has been also released.

## VII.—Case No. 38 of Sched ule II.

This case refers to the death in prison, under circumstances which, it is alleged, have led to the popular belief that they were poisoned, of—

1. Bhow Scindia, ex-Dewan of the late Gaekwar Khunderao.
2. Raoji Master, Karkun in the service of Rani Jamnabae, the late Gaekwar's widow.
3. Ghanu Wagh, confidential servant of the late Gaekwar,
4. Malharba Shelki, ditto ditto.

The suspicious circumstances connected with the late Bhow Scindia's death in May 1872 have been already the subject of report to Government, and of comment by it. The Commission has not seen the depositions on which the Resident records his opinion that he is in a position to establish the fact of the death by poison of Bhow Scindia conclusively, but it considers that it would not be justified in opening an inquiry in a case of this peculiar character, and of taking evidence on it in the presence of the Durbar agents, until the full grounds on which the Resident proposes to bring it forward have been laid before Government, to enable the latter to judge if it should be entered into or not.

In the present state of affairs and of embittered feeling at Baroda, such accusations, in the opinion of the Commission, require to be received with much caution, and to be examined impartially and dispassionately before taking the final and grave step of making them the subject of actual investigation, in the form of a personal charge against the Ruler of the State; and the Resident was therefore at once recommended by the Commission to report the case fully to the Bombay Government without delay, and in the meantime to take it out of the Schedule, for the present at all events, so as to let it remain in abeyance, without being forced on the Durbar's notice till it was decided by competent authority if the Commission was to take it up or not.

## VIII.—Case No. 43 of Schedule II.

Complaint of Ganpatrao Gopalrao Gaekwar, claiming an increased allowance and more consideration from the Durbar.

On a consideration of the circumstances of this case, as set forth in the Schedule, the Commission is of opinion that it does not fall within the scope of its inquiry, and it therefore decides not to take it up.

It is further of opinion that any just claims on the part of the complainant, requiring the interference of the British Government, should be dealt with by the Resident.

## IX.—Case No. 60 of Schedule II.

Complaint of one Narsibhai Ranchodbhai, of Nariad, in behalf of the Widows and Daughters of the late Kisandas Vitaldas, of Bakroi in Petlad.

Complainant is married to one of the daughters of Kisandas, and claims on behalf of the above, and of his son Apaji, the issue of the said marriage, the restoration of Kisandas' estate, alleged to be of the value of five lakhs of rupees, which he states has been adjudged, as heirless property, to one Lalu Tulsi, on his paying a Nazarana of Rs. 40,000 to the Durbar.

This is clearly not a case that could be possibly investigated to any advantage by the Commission, or with which it is called on to deal, and it therefore declines to take it up.

## X.—Case No. 63 of Schedule II.

Complaint of one Dinsha Darasha, Parsee, of Surat, on behalf of the heirs of Manekbai, daughter of Mancharji Gadiali.

The grievance in this case consists of the attachment of private property, consisting of land of the annual value of Rs. 6,000, in the Naosari Purgunna, belonging to the said Manekbai, which was attached in 1860, and finally confiscated, under the orders of the late Gaekwar Khunderao, in 1869, on the ground that the last legal owner of the same had left no heirs. Complainant claims the restoration of the said property to the heirs of the said Manekbai.

This is also clearly a case which the Commission could not with propriety investigate, and it therefore declines to take it up.

## XI.—Case No. 6 of Schedule III.

Complaint of Sukha Vahala, of Nuldra in Naosari.

The claim in this case is in connexion with the attachment of the village of Nuldra in Naosari, by the Gaekwar's Government, in satisfaction of a demand by the Durbar against a third party, for whose non-payment of the same complainant states he is in no way answerable or responsible.

The complainant in this instance is a subject of the Gaekwar; his village is in Baroda territory; its attachment has been ordered in connexion with a security bond, admitted by complainant to have been executed by him in 1867, engaging to make good to the Government any sum that might on inquiry be found due by a certain defaulting revenue farmer, and there is nothing what-

ever in the circumstances of the case, as set forth in the Schedule, that appears to call for, or indeed to warrant, British interference.

The Commission, therefore, sees no ground for entering into the case, which it would further be impossible for it to investigate to any good purpose.

## XII.—Case No. 8 of Schedule III.

Complaint of Jetharam Ochharam, of Patan, on behalf of his brother Fattehram, late Fouzdar of Patan.

The complaint has reference to the alleged payment of a sum of Rs. 7,000 by the said Fouzdar on his appointment, partly as a Nazarana to the Maharaja himself, and partly as a bribe to the Minister and Sir Fouzdar.

The person in whose behalf the complaint is made has been recently convicted by the Durbar of torturing certain people, and has been sentenced to imprisonment.

The Commission, while prepared to hear any representation from the Fouzdar himself, deems it unadvisable to receive such complaints from a third party, and as the Fouzdar has made no complaint, it declines to enter into this case.

The Fouzdar appears to have richly deserved the punishment to which he has been sentenced.

## XIII.—Case No. 9 of Schedule III.

Complaint of Govindram Kasiram, late Fouzdar of Kadi.

The grievance has reference to the alleged payment by complainant of Rs. 3,500 as Nazarana to the Maharaja, and Rs. 2,000 to the Sir Fouzdar, for his appointment as Fouzdar of Kadi Purgunna, and of his having been subsequently deprived thereof without cause, his own house and property and his father's house in Patan being at the same time attached. Complainant claims to be restored to his appointment, or to have the money so paid refunded to him.

The Commission was prepared to hear complainant's statement of his grievance, but as he has not attended to make it, it has been unable to do so.

## XIV.—Case No. 11 of Schedule III.

Complaint of Balvantrao Lakshman, Sayer Contractor of Jerod.

The grievance in this case consists of complainant's alleged deprivation of the Sayer contract of the Jerod Mahal on an insufficient pretext, and he claims its restoration to him.

The Commission is of opinion that this is not a case into which it is called on to inquire, and it will not therefore be taken up.

## XV.—Case No. 12 of Schedule III.

Complaint of Narayen Parsotam and others of the village of Sukra, Baroda Purgunna.

The particulars of this case, as set forth in the Schedule, having been considered by the Commission, it is of opinion that it is not one calling for inquiry at its hands or in which its interference would be warranted, and it therefore decides not to enter into it.

## XVI.—Case No. 13 of Schedule III.

Complaint of Thakor Dipsinghji and others of Amreli in Kattywar, represented by their Vakil, Valli Tar.

The particulars of this grievance, as stated in the Schedule, have been carefully considered by the Commission, and it is of opinion that it is not a case requiring inquiry at its hands, or into which it could enter with any advantageous result. It therefore decides not to enter into it.

The Vakil's statement of the proceedings taken against him, in connexion with this case, has, however, been heard by the Commission and duly dealt with, as will be seen from its proceedings under the same number.

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# APPENDIX D.

## NOTICE TO INTENDING WITNESSES.

TRANSLATION of AMENDED NOTICE issued by the RESIDENT of BARODA to complainants desirous of appearing before the BARODA INQUIRY COMMISSION.

Notice is hereby given, in accordance with letter No. 1, dated 10th November 1873, from the Secretary to the Baroda Commission, that persons giving evidence before the Commission are under my protection as Resident, in respect of such *bonâ fide*, *i.e.* truthful, evidence as may be so given by them.

# APPENDIX E.

## STATEMENT OF CASES

(in abstract).

### BARODA INQUIRY COMMISSION.

PRESIDENT.

Colonel R. J. Meade, C.S.I., Chief Commissioner of Mysore and Coorg.

MEMBERS.

The Honourable E. W. Ravenscroft, Bombay Civil Service.
Mumtazul Dowlah Nawab Faiz Ali Khan, Bahadur, C.S.I., Minister of Jeypore.
Colonel A. T. Etheridge, C.S.I., Bombay Staff Corps.
T. D. Mackenzie, Esquire, Bombay Civil Service, Secretary to the Commission.

MEMBERS of the DURBAR in attendance on behalf of the GAEKWAR GOVERNMENT.

1. Rao Sahib Bapubhai Daiashankar.
2. Govindrao Mama.
3. Balwuntrao Yeshwunt, Sir Fouzdar of Police.

Rao Sahib Vasudev Jaganath, Vakil of the High Court, as Durbar Agent.

INTRODUCTORY STATEMENT by the RESIDENT, Colonel PHAYRE, C.B., and A.D.C. to the QUEEN.

IN submitting to the Commission the following schedules, I deem it necessary to state that, as British Resident at the Court of the Gaekwar, I appear before the Commission as the advocate of the common principles of humanity and justice, and of the free and impartial administration of the constituted laws of the Gaekwar State.

My efforts aim at bringing to light the system of mal-administration which affects British interests and relations with the State, as well as that which exists in the city of Baroda itself and in the districts, in the hope that a thorough reform may be effected.

The people will speak for themselves. I shall only produce before the Commission such of them as I honestly believe will speak the truth.

In introducing the following complaints regarding the revenue administration of the Baroda State, I deem it necessary to make the following general observations about this important class of cases :—

The general character of the revenue complaints submitted, combined with my own knowledge of the subject, show that the original land assessment was fixed at a time when market rates were higher than they are at present or have been for some time past; and that in a majority of instances the original agreements made with the cultivators have been broken, and the assessment arbitrarily raised, without any reference either to the state of prices or the ability of the people to pay. Moreover, that, superadded to this land assessment, all kinds of extra cesses, such as Mukunpura Veera, Gadi Nazerana, &c., varying from 2 to 40 per cent., have been imposed by the Government. Also that under the farming system all officials, from the highest to the lowest, are required by the Maharaja himself, and also by high officials, to pay heavy Nazerana for their appointments. Consequently that these payments have to be recouped from the ryots. The farmers appear to be under no restraint, and the whole of the revenue administration appears to have fallen into the hands of irresponsible subordinates.

In support of these statements the following cases are submitted :—

## SCHEDULE No. I.

### British Subjects.

| No. | Complaints of British Subjects. | Remarks. |
|---|---|---|
| 1 | Motilal Samuldass, the representative of the old guaranteed banking firm of Samul Bechur, bankers, of Ahmedabad and Baroda, Motilal himself being a resident of Ahmedabad. | Transferred to Schedule III. by order of the Commission.—*Vide* Case No. 1 of that Schedule. |
| 2 | Bhanabhai Lalbhai, balsar, in the Surat Zillah. | Transferred to Schedule III. as above.—*Vide* Case No. 7 of that Schedule. |
| 3 | Claims of Dulpa Prema, of Surat - - | Transferred to Schedule III. as above.<br>This is a case in which the petitioner, a British subject, in partnership with two Baroda subjects, farmed one of the Baroda Mahals. In connexion with other cases of a similar kind, it shows the evils of the farming system, the existence of which has been officially denied. It shows how farmers pay exorbitant bribes for their places, and then have to reimburse themselves from the ryots. The efforts to suppress the case are worthy of notice. |
| 4 | Syud Saduk Ali, of Ahmedabad, employed as a camel contractor under the Gaekwar Government from the year 1862 to 1871. | Saduk Ali claims compensation for the loss of his right arm by torture, and also compensation for the loss of property, owing to unjust treatment of the Gaekwar Government. |
| 5 | Nuthwa Tisla Chambar, a Mahikanta subject, under British protection. | Referred to in Resident's letter to Government, No. 144–756 of 1873, dated 18th of August 1873, and in His Excellency the Viceroy's letter No. 2207 P, of 19th September 1873, para. 6. |
| 6 | Dowlutchund Juverchund, of Ahmedabad | Transferred by order of the Commission.—*Vide* Case No. 2, Schedule III. |
| 7 | Bulwuntrow Gunesh, son of the late Dewan Gunesh Sudashiv, of Baroda. | Transferred by order of the Commission.—*Vide* Case No. 5, Schedule III. |
| 8 | Amtha Runchod, banker, Bombay, Baroda, and Ahmedabad. | Transferred by order of the Commission.—*Vide* Case No. 4, Schedule III. |
| 9 | Case of Maniklall Vithul, goldsmith, of Ahmedabad, convicted of writing a defamatory letter concerning H.H. the Maharajah.<br>*Evidence in this case.*<br>1. Maniklall Vithul.<br>2. His brother, Nanjee Vithul.<br>3. His mother, Bai Judav. | The facts of this case are as follows:—On August 4th, 1873, a petition was received from one Jurao, widow of Vithul Panachund, saying that her son, named Maniklall Vithul, a British subject and an inhabitant of Ahmedabad, who had come to Baroda for trading purposes, had been thrown into prison in Baroda on a false charge. The petition was accompanied by documents purporting to show that Maniklall Vithul was a British subject, as alleged, and that he owned house property in Ahmedabad. A reference was thereupon made to the Durbar, and a reply was received denying that Maniklall Vithul was a British subject, and forwarding depositions purporting to prove that Maniklall Vithul |

| No. | Complaints of British Subjects. | Remarks. |
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| | | was not a British but a Baroda subject. The petitioner was thereupon directed to prove, by further evidence, that Maniklall Vithul was a British subject, as alleged in her petition. Eight depositions recorded by the police inspector of Ahmedabad were forwarded to the Resident by the District Magistrate of Ahmedabad, purporting to show that Maniklall Vithul was a British subject, as alleged. A further reference was therefore made to the Durbar, and all the papers in Maniklall's case were called for. The proceedings in the case were produced before the Resident on August 30th, 1873, and Maniklall was released on bail pending further inquiry. Maniklall has been at large on bail up to the present time. It appears from the proceedings recorded by Bulwuntrao Yeshwunt, Fouzdar, that Maniklall Vithul was convicted of writing in Baroda a defamatory letter, addressed to his brother, Nanjee Vithul, in Ahmedabad, and was sentenced to one year's rigorous imprisonment. The date of this sentence purports to be June 6th, 1873. The trial of Maniklall Vithul for the alleged offence took place in the month of April 1873; and Maniklall Vithul was actually imprisoned in that month, *i.e.* about a month and a half before any sentence was recorded. Maniklall Vithul swears that the charge of writing to his brother Nanjee a defamatory letter is absolutely without any foundation. Nanjee himself swears that he received no such letter in Ahmedabad, and states that on *proffering himself for examination on behalf of his brother, his evidence was rejected by the Fouzdar.* Maniklall further swears that the statement in the case purporting to have been made by him, and to have been signed with his own hand, was never made by him at all, and that the signature in question is a forgery. He further swears that no evidence was recorded in his presence, and that no questions were asked him relating to the charge against him. Maniklall was told by Bulwuntrao Yeshwunt himself, four days after he had been taken off to jail, that his sentence was 14 years' imprisonment. The same information was given by the Fouzdar to Maniklall's mother, Jurao, who visited the Fouzdar at his own house. The sentence recorded in the proceedings is one year only. There are circumstances connected with this case, as well as collateral evidence, which it is right to state are in favour of the probable truth of the statement put forth by Maniklall, that the charge is a false one got up against him by the complainant, Umrutlall, owing to a quarrel between them, and that he never made the confession attributed to him.<br><br>In the first place the evidence taken at Ahmedabad, regarding Maniklall's claims to be a British subject, appears to establish that fact, and if the Durbar had no doubt of Maniklall being a Baroda and not a British subject, and that as such he had made a full confession of his guilt on the 11th April 1873, why should they, contrary to ordinary custom, have gone to the trouble of bringing nine witnesses from Ahmedadad to prove what they state they were already convinced of.<br><br>The cases marginally quoted, as well as others that might be cited, show that men are condemned even to imprisonment for life on their own confessions, and also that torture by flogging, &c. is resorted |

1. In the flogging case (*vide* No. 39 of Schedule II.) four men were condemned to imprisonment for life on their alleged confession; three did not confess, but were imprisoned.
2. In the Putton torture case (Nos. 9 and 10 of Schedule II.) men were flogged to make them confess.
3. The Amba Tanee case (No. 33 of Schedule II.) also affords valuable evidence on these points. *Vide* the statements of Amba, Kashee, Bulwantrao Sagurkur, and Bhagwanta Gurud.

| No. | Complaints of British Subjects. | Remarks. |
|---|---|---|

to, to extort such confessions in Gaekwar territory; also that confessions never uttered are recorded against accused persons. Consequently that there was no necessity, according to ordinary Gaekwar procedure, to send for these nine witnesses to Ahmedabad; and that these witnesses allege that a crime has been committed in Ahmedabad by Maniklall's brother Nanjee. Seven out of the nine are goldsmiths; the other two are one a Brahmin, the other a Koonbee.

They, however, prove nothing against Maniklall, against whom there is no evidence whatever, except his alleged confession, which he denies having ever made.

Maniklall's statement on oath before the Assistant Resident is as follows:—Maniklall Vithul Sonee, aged 22, residing in Ahmedabad, on solemn affirmation saith:

"I am a British subject. I live in Ahmedabad, and have a shop there where I carry on business of a goldsmith. I come to Baroda occasionally on business, and I have a house in Baroda. I was four or five years of age when I went to Ahmedabad. Since that time I have only remained in Baroda for a period of a few months at a time. My father and grandfather were Baroda subjects, and servants of the Durbar. I have been a British subject from my childhood, and have no connection with the Durbar in any way.

"The deposition which I now hear read to me, and which is signed by me and dated $\frac{\text{Shravan Sud 14th}}{\text{August 7th, 1873}}$, was made under the following circumstances:—I was in the jail, and summoned from thence to Fouzdaree by a sepoy. I went to the Fouzdaree early in the morning, and there the deposition produced was shown to me by Chaganlall, Karkoon under Bulwuntrao Yeshwunt. Chaganlall was then alone in the Fouzdaree. He showed me the deposition produced, and told me to sign it. I did not know what was written in it, and I refused to sign. *Chaganlall then ordered a sepoy to beat me until I signed. I received two blows, and then I said that I would sign the paper.* It is falsely stated in that paper that I have lived in Baroda from my birth upwards. I have always lived in Ahmedabad.

"Of the four witnesses who have given evidence regarding my being a Baroda subject, Zulloo Ram jee is employed under Umratlall, my opponent, and Madhoo Rama and Mathoora bin Nana Shett were both in his service, and Bhoodur Shunkar was a tenant of his. All of these witnesses gave evidence in order to assist Umratlall Dyaram. None of them gave evidence in my presence regarding me. Bulwuntrao Yeshwunt was not present when I was examined.

"*I did not write to my brother Nanjee in Ahmedabad any letter saying that H.H. the Maharajah had carried off the daughter of Umratlall Dyaram in Baroda.* Umratlall Dyaram's statement on this point is wholly false, and my brother Nanjee will corroborate me on this point. I am on bad terms with Umratlall Dyaram, and he has therefore maliciously got up this case against me. Narayenrao Wakuskur Vakeel has got up this case with Umratlall in order to ruin me. The Maharajah's name was introduced by Narayenrao, in order to make the Durbar take the case up.

"Umratlall brought this false charge against me in the month of April 1873. I was summoned by a sepoy to the Fouzdaree, and I was then asked by Chaganlall whether I knew anything about a certain girl named Gunga. Umratlall was then in the Fouzdaree, and I understood Chaganlall to refer to Umratlall's daughter, Gunga. I was then taken away to a police station, where I remained four days. I was then brought to the Fouzdaree. *No*

| No. | Complaints of British Subjects. | Remarks. |
|---|---|---|
| | | *evidence was recorded in my presence, and no questions were asked me.* I was told to write something in order to show my handwriting. I wrote something. The statement alleged to be in my name, and to be signed by me, was not made by me. *The signature is not mine; it is a forgery.* After I had given a specimen of my handwriting, I was taken off to the police station, and from thence to jail. Four days after I was taken to jail, *I was told by Bulwuntrao Yeshwunt that my sentence was* 14 *years' imprisonment.* I do not understand how it comes to pass that my sentence is entered in the proceedings as one year only. My mother, who was with me when I was arrested, knows that I was sentenced to imprisonment for 14 years, and not for one year, as is stated in the proceedings.<br>"I was taken off to prison in the month of $\frac{\text{Chaitra}}{\text{April}}$. I do not understand why the decision in my case was only recorded June 6th, 1873. I was not present before the Fouzdar and formally charged by him on June 6th, 1873. I was then in prison, and had been in prison about a month and a half."<br>(Forwarded to the Commission on the 12th December 1873.)<br>R. PHAYRE, Resident. |
| 10 | Case of Parbhoodass Parshotum, a British subject, of Neriad, who was beaten in order to extort confession at Wagdode, in the Putton District. | The following statement has been made by the petitioner:—<br>"I am a British subject residing at Neriad. I went to Jugral, in Putton, to see some relatives. I was arrested by Futteyram, Fouzdar of Putton, in connexion with an alleged charge of theft. I was severely flogged in the kutcherry for the purpose of extorting confession of a crime which I never committed. No stolen property has been recovered." |
| 11 | Case of Bapoojee Cursetjee, referred to in paragraph 5 of Resident's letter, No. $\frac{144}{756}$, of 1873, dated 18th August, as a "Parsee who claims to be a British subject of the Surat Zillah, who has been seized and imprisoned and severely beaten by the Gaekwar officials at Naosari, &c., &c." | From this and other cases that have occurred and are at present taking place in the Naosari District of the Gaekwar State (*vide* case No. 65 of Schedule II.), the Durbar officials there, who are represented as being, generally speaking, the relatives and friends of persons in power at Baroda, seem to be determined not only to defeat the ends of justice, but to frustrate the object of the Commission of Inquiry as much as possible.<br>I find from my records that on the 11th of August I forwarded Bapoojee Cursetjee's case to Mr. Hope, the magistrate of Surat, in which were included such papers as the Durbar had to bring forward relative to his claim to be a British subject, and his seizure in his house situated within British territory.<br>Owing to some obstacles which have been unaccounted for, the complainant, Bapoojee Cursetjee, and his friends, did not appear in the Magistrate's Court as ordered by me; and it was not till the 18th September that I received the *primâ facie* case from Mr. Hope, who requested me to move the Durbar to surrender to the Magistrate, Manajee, the Fouzdar of Naosari, and Ruttunjee Framjee Daba, also of Naosari, and certain peons of the Naosari Tanna, against all of whom a *primâ facie* case of unlawful seizure from British territory had been made out; also that as the above persons were apparently acting under the orders of the Sooba of the district, Narayenrao Rugoonath, the request was preferred that he might be suspended from office as an abettor of this unlawful seizure.<br>I forwarded these requests with the *primâ facie* case to the Durbar on the 19th September 1873, and as I had not received any reply by the 7th of October, and everyone was put to the greatest inconvenience by the unaccountable delay, I was con- |

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| | | strained to write on that date to the Durbar, that if the *primâ facie* case and reply thereto were not forwarded to me within 24 hours, I should be obliged to report the whole matter to Government for orders. I had already shown good reason to the Durbar why the Sooba, Narayenrao Rugoonath, should be suspended, it having come officially to my knowledge that this was not the first time that he had been engaged in acts of violence as a Magistrate. In reply to this, the Durbar ordered the Fouzdar and others to be surrendered for trial, but declined to suspend the Sooba. On the 11th October I replied, asking, "as an act of justice and friendship," that the suspension should be carried out. I have not received any written reply to this yad. I have been told verbally that the man has been suspended; but whether or no, his opposition does not appear from the Magistrate's next letter to have ceased.<br>On the 2nd instant, by desire of the Commission, I wrote to ask what judgment had been passed in the case, in order that it might be recorded in the proceedings of the Commission. Mr. Hope forwarded Mr. Ollivant's reply, No. 141, dated 3rd instant, informing me that the case had been adjourned to the 11th instant, owing to the alleged illness of two important witnesses, one of whom, though a Naosari man, was at present in Baroda, alleged to be too ill to move, and consequently that the case could not be adjourned much longer. It was added by the Magistrate, "the Naosari officials "have not, I think, done their best to assist the "present investigation, but have rather been "inclined to regard themselves as parties for the "defence."<br>Subsequent references show that the two witnesses now in Baroda still plead that they are too ill to appear, and Mr. Hope has this day (20th December) been informed accordingly.<br>With regard to the question whether Bapoojee Cursetjee has produced proof of his being a British subject, the Magistrate, Mr. Ollivant, expressed the following opinion in forwarding the *primâ facie* case in September :—<br>"I have some doubts as to whether the complainant (Bapoojee Cursetjee) can establish his claim to be a British subject."<br>Since that the question has not been entered upon; it is therefore still undecided, but the conduct of the complainant, subsequent to his statement before me in August last, appears to be so unsatisfactory as to suggest doubts whether his original intention of prosecuting his case with vigour has not been influenced in a manner calculated to defeat the ends of justice. |
| 12 | Case of Narungee, *alias* Venoo, wife of Vithoba Polekur, resident of Khanoul, Taluka Rajapur, Ratnagiri District, a British subject.<br><br>* Babajee Bhedkur is said to be a Mankuri of the Minister Nana Sahib.<br><br>Evidence showing how young women are enticed away from their homes in British villages, and made to serve as Loundis in H. H. the Maharajah's household.<br>The Resident has long since been aware of the existence of this practice, but has never before been able to obtain authenticated instances of it. | The petitioner has made the following statement :—<br>Narungee, *alias* Venoo, wife of Vithoba Polekur, aged 20 years, caste Shenvee, resident of Khanoul, Taluka Rajapur, Zillah Ratnagiri, saith on solemn affirmation :<br>"I married my husband, Vithoba, about 10 years ago. He is a cultivator and resident of Khanoul, four kos from *Bhalval*, where my grandmother resides. I used to live with my husband. About two years ago I was at my grandmother's, when a servant of Nana Sahib Khanvelkar, named *Babajee Bedkur*,* came to me and induced me to accompany him to Baroda, saying that I should be in easy circumstances there and should not have to work hard in the field as at Bhalval, and that I should get ornaments, clothing, &c. I secretly left my mother's house, leaving a son of one year of age behind. At first I was taken to Kud, the native village of Nana Sahib Khanvelkar. *Two other women had already been brought there*, and two came up two days subsequently. All five of us were concealed in Nana |

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| | In these instances the Minister and the Maharajah appear to be directly concerned.<br>The enticement, the forced service, the unjust imprisonment for not giving false information, their non-trial, the flogging, and, lastly, the accidental release from prison, are matters that demand the fullest possible investigation. | Sahib's house. The names of the other four were Muthoo, Sukoo, Kashee, and another Kashee. Three days afterwards we left for Baroda, the said Babajee Bedkur accompanying us. We stopped in Bombay for three days. A sixth woman, named Doorgee, joined us at Bombay. All these women were between 20 and 25 years of age. From Bombay we came by rail to Baroda, and were taken to Nana Sahib's house. I remained in Nana Sahib's house for about a month; so did the other five. I was then sent with the others, except Kashee, to the Sirkar Wada, and we were made to serve the Ranee Mahasabai as "Loundis." I remained in the Ranee's service for four months, when I was sent for by the Maharajah Mulharrao. Saloo and Tanee, women who were in the Ranee's service, were also there. The Maharajah asked Saloo and Tanee what they knew regarding a certain intrigue alleged to have occurred about that time. They replied in the negative. I was asked no questions. We were then sent to the Fouzdaree. This was at midnight. The next day at noon we were sent to Ravpura Chabutra. One and a half months subsequently I was sent to jail. There I remained for about 15 months, and was released on the occasion of the last eclipse of the moon. No trial has ever taken place, nor has my statement been ever taken down.<br>"I was twice flogged in the jail by Bhoojungrao, deputy jailor, with a cane on my bare back. It is the common practice to flog women in the jail. I saw several women beaten in the jail.<br>"I have lost my caste, and am now utterly destitute. I pray for justice." |
| 13 | Case of Saloo, wife of Gunoo Savat, resident of Sakurpa, Purgunna Rajapur, District Ratnagiri, a British subject.<br><br>* These two men and the woman are alleged to have been in the service of the Minister Nana Sahib. | The petitioner has made the following statement:—<br>Saloo, wife of Gunoo Savat, aged 22 years, Maratha, resident of Sakurpa, Purgunna Rajapur, District Ratnagiri, saith on solemn affirmation:<br>"I married my husband Gunoo when 10 years of age, and lived with him. He is a cultivator. About two years ago I came to Deola to visit my mother. *Gopal Rao Sarvey*, *Ram Bhow*, and *Sagoonabai*,* woman, came to me and told me to go with them to Baroda, where I should be provided with ornaments, clothes, &c., and be in easy circumstances, and thus spared the hard labour I was put to in my village. I was in this way induced to accompany them. They took me to the village of Kura, and kept me for three days in Nana Sahib Khanvelkar's house. In the course of these three days, four other females were brought there, viz., Venee, Rukhma, Goojee, and Bajoo. We were all concealed in Nana Sahib's house, and were then sent to Baroda in company with the said Gopalrao, Ram Bhow, and Sagoonabai. All five of us were taken to the Dewan Nana Sahib's house, where we remained for one month. We were then taken to the Sirkar Wada, and made to serve the Ranee Mahasabai as "Loundis." I served the Ranee for five months. I remember Narungee, Muthoo, Kashee, Sukhoo, and Doorgee coming to the Ranee's residence to serve as "Loundis." After I was five months in the Ranee's service, I was sent for by H. H. Mulharrao at night-time. Narungee and Tanee were also there. I and Tanee were asked what we knew regarding a certain intrigue alleged to have occurred about that time. We replied in the negative. I and Narungee were taken to the Fouzdaree, and Tanee was sent to the Futteypura Chabutra. The next day we were removed to Ravpura Chabutra. After a month and a half we were sent to jail, where I gave birth to a son. We remained in jail for 15 months, and were released on the occasion of the last eclipse of the moon. No trial has taken place, nor has my statement been ever taken down. |

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| | | "I was once flogged in the jail by Bhoojungrao, deputy jailer, with a cane. It is the common practice to flog women in the jail.<br>"I am now utterly destitute, and I pray for justice. The women who came with me to Baroda, viz., Venee, Rukhma, Goojee, and Rukhma's daughter, Bajoo, were with the Ranee Sahib when I was arrested. Bajoo was then 12 or 13 years of age. I have since heard that Bajoo has died." |

## SCHEDULE No. II.

### Baroda Subjects.

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| 1 | Case of the Sirdars, Sindhees, Pagadars, Jemadars, &c., of the Huzur, and the Mahals of the Gaekwar State. | This case is separate from the Contingent, and refers only to those employed about the court and on revenue and general duty in the Mahals. The principal Sirdars of the State are included in this body. The general complaints made, refer to arrears of pay for 3½ years, unjust discharge of a number of Pagadars and Silledars, accompanied by confiscation of private property, &c. The Gaekwar has frequently promised to pay us arrears, but has failed to do so, and the bankers have begun to refuse making any further advances. The loss suffered by all is considerable. *Vide* Government letter in the Political Department, No. 33 T, dated 25th of July 1873; also Report No. 146–762, dated 19th of August last, paras. 1 to 6, and other correspondence. |
| 2 | Case of the seven Beejapoor Thakors. | A full statement from the Thakors themselves has been drawn up by the Resident, and they are present at Baroda in readiness to substantiate their charges. |
| 3 | Pitlad Purgunnah.—Complaints of the representatives of 37 villages of Pitlad, forwarded to the Durbar with yad No. 2499, dated 18th of October 1873. | This complaint will give a full insight into the farming system, with its attendant evils, as practically carried out by the Gaekwar Government. Correspondence will also be produced which took place in April, June, August, and September last, regarding the state of affairs in this Purgunnah generally. |
| 4 | Case of Jethabhai Dullabhai, late Vahivatdar of Khyraloo. | This case is one out of several that have lately come to light, showing that although farmers of the Mahals pay large sums to the high officials of the State by way of bribes, yet that no faith is kept with them, and that they are liable to be turned out of employment without having committed any fault. Moreover, that the bribe given, and in some instances the security deposited, are not returned. |
| 5 | Complaints against the Vahivatdar, Bulvantrao Trimbuk, of Visnagar.<br>Gross case of torture committed by the aforesaid Vahivatdar upon a Brahmin woman in Visnagar. | This case shows the malversation and gross cruelty that has recently been practised in the Visnagar Purgunnah. It is feared that such practices have been too common in the Gaekwar districts; and that they have only been brought to light owing to the present system of the Resident hearing important complaints and referring them to the Durbar for explanation. |
| 6 | Naosari Purgunnah.—Case of the inhabitants of the village of Variao. | 132 persons appeal against the oppressive land assessment, &c., and the forcible means used to collect it, &c., &c. |
| 7 | Case of Cooverjee Dulabhai Desai, ex-farmer of the Goondi Bajpur Mahal. | Claims to recover the sum of 5,000 rupees borrowed from a Sowcar in Surat, in order to fulfil his agreement with the Gaekwar Government; also claims compensation for having been unjustly deprived of his contract. This case also includes a claim made by the widow of Banker Jamnadass Shivlall, of |

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| | | Baroda, to a refund of the sum of Rs. 7,757-0-3, which was paid by her husband as a bribe to certain persons specified. |
| 8 | Case of Sookha Wahala, Chowdree of Nuldhura in Naosari. | Claims compensation from the Gaekwar Government for having been unjustly deprived of his property, and forced to become security for Cooverjee Dulubhai Desai, mentioned in the foregoing case. |
| 9 | Putton District.—Complaint by Surchand Doleechund, of Vagdod, Pergunnah Puttun, that a Kolee named Velia, of Jugrul, and his brother Chagun, had been tortured at Vagdod on or about the beginning of October 1873. | It will be seen by a reference to No. 44 of this Schedule that this is not the first case of torture that has recently come to light in the Putton Purgunnah. The injured persons in the present instance were carried to the British hospital at Deesa, and measures will be at once taken to produce them before the Commission. |
| 10 | Petition from Barote Wurdho Mehroo, of Jugral, who complains that his two brothers were tortured at Vagdod. | *Vide* preceding case. |
| 11 | Complaint by the head-man of the village of Oonja, Purgunnah Puttun. | Represents the system of over-taxation that has been forced upon them by imprisonment, torture, &c., for some years past. Furnishes tabular statements showing that under the system in force they have no means of livelihood, unless prices are very high, and that unless some remedy is applied they will be obliged to desert their villages. |
| 12 | Baroda Mahal.—Complaints of the ryots of Gahej. | Petitioners complain that their assessment has been nearly doubled in three years; and that the revenue is collected by torture and imprisonment. |
| 13 | State of Pitlaud District.—Referring to case No. 3 of this Schedule. | A précis of the whole of the correspondence, &c. for the last seven or eight months relating to the Pitlad Purgunnah under the heads of (1) disturbances; (2) desertion of villages; (3) complaints of mal-administration generally, and of oppression on the part of the Vahivatdar and subordinate officials of the Purgunnah, has been already submitted to the Commission. From this it will be seen that out of the total number of about 90 villages in this Purgunnah no less than 83 have come forward to represent their grievances. |
| 14 | Case of the ryots of Umta, in the Keyraloo Purgunnah. | The petitioners complain generally of over-taxation, the assessment on a 10 years' agreement made in 1865-66 having been raised from Rs. 27,000 to Rs. 32,500, and that the excess has been levied by imprisonment and various modes of torture. |
| 15 | Petition from the cultivators of the town of Kurree, represented by Girdhur Keywul. | The petitioners complain of over-taxation, torture, and consequent desertion of the town of Kurree by 285 families, between the years 1922 and 1929.<br>A précis of the whole correspondence, &c. for the last seven months relating to the Kurree Purgunnah under the head of "disturbances, desertion "of villages, complaints of mal-administration, op- "pression," &c., is submitted to the Commission. |
| 16 | Petitions from the ryots of different villages in the Baroda Purgunnah :—<br>1. Ryots and Patels of Kamrole Khanghi Mahal. | Complain that last year they were driven to desert their village, in consequence of over-taxation, the seizure of their private lands, and the heavy Salamee levied on alienated lands. They returned to their village on the assurance of the Government officials that their grievances would be redressed. This has not been done. |
| | 2. Patels and ryots of Sokda Bujrug | Complain of a higher assessment being levied than that formally agreed upon for 10 years; also of the charge for waste land, &c. |
| | 3. Patels and ryots of Urni | The assessment was fixed for 10 years in Sumvut 1919 at Rs. 5,900; last year on re-measurement by a short measure the assessment was raised considerably, owing to which they deserted the place. They |

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| | | were induced to return by the Vahivatdar under promise that the increased assessment would not be levied; this promise has never been kept. |
| | 4. Thakur Ujeebsing Babajee and others of Shairkhi Shidhrot. | Complain of increase of tribute, and the levy of Gadi Nazerana by Mohsuls. |
| | 5. Thakur Ubbaysing Narunjee, of Bakrol. | Complains of Inam Committee and of Gadi Nazerana cesses, and of the non-payment of giras haks. |
| | 6. Patels and ryots of Gowassud, Khanghi Mahal. | Complain of over-taxation and the levy of extra assessment, also of the Inam Committee and Gadi Nazerana cesses. |
| | 7. Patel and ryots of Mungusur - | Complain of over-taxation and false measurement of land, in consequence of which they deserted the village; but returned under the assurance that a fair assessment only would be levied from them. This promise has not been fulfilled. |
| | 8. Patel and ryots of Verole - | Complain that they have to pay assessment on waste lands contrary to the custom of their village. |
| | 9. Patels and ryots of Nizampura - | Complain of excessive over-taxation and of the imposition of the Gadi Nazerana. |
| | 10. Patels and ryots of Kurcheya - | Complain as in case No. 9. |
| | 11. Patels and ryots of Undeyra - | Complain that during the last two years the assessment has been excessive, and that unauthorised amounts in excess are levied. |
| | 12. Patels and ryots of Wurnamah and 20 other villages of the Baroda Purgunnah. | Complain that the arrangements entered into in August regarding the deer have not relieved them from the ravages committed by those animals, and that in consequence they are unable to pay the assessment in addition to Gadi Nazerana, &c., &c. |
| | 13. Patels and ryots of Dusrut - | Complain of excessive assessment and of general insecurity of property. |
| | 14. Patels and ryots of Khanpura - | Complain that the Inamdar, Mookoondrow Mama, demands an excessive assessment, which it is beyond their power to pay. |
| | 15. Patels and ryots of Dumar - | Complain that the assessment of the land is very high, and consequently that the Gadi Nazerana in addition is ruinous to them. Also that for four months the Maharajah's elephants cause damage to their fields, &c. Inam Committee tax, loss of service allowance, resumption of Wanta lands, &c., are also subjects of complaint. |
| | 16. Patels of Dhurapur - - | Complain that they have been called upon to pay a Nazerana nearly equal to half the land assessment, that Wanta lands have been resumed, and that they have been deprived of their crops. |
| | 17. Patels and ryots of Gotri - | Petitioners complain that in the year Sumvut 1918 (A.D. 1861–62) the assessment was fixed at the rate of Rs. 6–8–0 per Koomba, and a ten years' settlement was then made. In the year Sumvut 1925 (A.D. 1868–69) the assessment was raised to Rs. 9–8–0 per Koomba in breach of the original settlement. Petitioners also complain of the Gadi Nazerana cess amounting to Rs. 1,500 on Government land and 40 per cent. on Salamee land. The Inam Commission tax which had been remitted by His Highness Khunderao was again imposed in Sumvut 1928 (A.D. 1871–72), and was levied retrospectively from Sumvut 1925. The service allowance to Patels has been decreased from Rs. 125, the original amount, to Rs. 70. A special cess of Rs. 225 levied from this village for an entertainment given by Bulwuntrao Raholkar to the Maharajah is also complained of. |
| | 18. Patel Mandass Govind and others of Ankaria. | Petitioners complain that in Sumvut 1922 (A.D. 1865–66) a sum of Rs. 301 over and above the fixed assessment was forcibly levied from them. In the year Sumvut 1925 a similar exaction of Rs. 301 was again made. In Sumvut 1928–29 a Gadi Nazerana amounting to Rs. 1,601 was levied. In year Sumvut 1925–26 a further sum of Rs. 166 was wrongly levied. |
| | 19. Mooljee Koojerdas, Patel, and others of Shiswa. | Petitioners complain that in Sumvut 1923 the assessment was raised from Rs. 6 to 11 per Koomba on Government land, and from Rs. 1 to 7–8 on service land, and Rs. 4 to 6 on Salamee and Vechania land. In consequence of these exactions some persons have been obliged to leave the village. |

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| | 20. Petition of Nagjee Jubhai, Patel, and others of Dandi. | Petitioners complain that their assessment has been systematically raised, and that it is now Rs. 9-8 per Koomba, which is more than they can pay. They complain also of the levy of 25 per cent. as Gadi Nazerana and of the Inam Commission tax. |
| 17 | Ryots of Wasna Dumala Mahal - - | Complain that their land is assessed at nearly double the rate of other villages in the vicinity, and that Inam Commission is levied. |
| 18 | Ryots of Umroli Tappa, Tilukwara Purgunnah. | Complain that they are unable to obtain the refund of assessment acknowledged by the Sir Sooba, Hurriba Gaekwar, to have been unjustly levied. |
| 19 | Petition from 16 girassias of Kumbaria of the Chowrasi Purgunnah. | Complain that their giras lands have been subjected to the following undue taxation : Salamee of Rs. 2 per beegha, Inam Commission of 4 annas per rupee, Howda, tour expenses, and 40 per cent. for Gadi Nazerana; thus the advantage of holding giras land is not apparent to petitioners. |
| 20 | Putton Purgunnah.—Thakors Bunnajee Rughajee and Gulajee Suvdanjee, of Wamya, Purgunnah Putton. | Complain that the tribute payable by them was originally 81 rupees; that it has been unlawfully increased from time to time, and now stands at Rs. 2,150; that some of the ryots have deserted the village, &c. |
| 21 | Thakor Punajee Raghojee, of Wamya, Purgunnah Putton. | Complains that the Vahivatdar, Baba Rughoonath, compelled him by imprisonment to pay Rs. 600 for pasture land of his village; that the next Vahivatdar, Bulwuntrao Yeshwunt, increased the amount to Rs. 1,600; states that some of the ryots have deserted, and prays for redress, &c. |
| 22 | Petition of Bajee Joobun Mookee, Patel of Unja, on behalf of ryots of the Putton Purgunnah. | Petitioners complain that the local officials of the district have all paid Nazerana for their appointments, and have to recoup themselves from the ryots. They pray that in consequence of the fall in prices their assessment should be reduced. They complain also of the Inam Commission and Gadi Nazerana cesses, which have reduced the people to very great distress, in consequence of which many persons have deserted their villages. |
| 23 | Dubhoe Purgunnah.—Petition from the representatives of seven villages of the Dubhoe Purgunnah. | State that in Sumvut 1920 (A.D. 1863–64) the system of fixed money assessment was introduced and a settlement was made for 10 years ; that in Sumvut 1925 (1868–69) the Durbar measured the land with a short measurement, and thus increased the assessment ; that some villagers deserted, and were brought back by the Vahivatdar on the assurance that they will not be made to pay assessment for unculturable land ; and that a bamboo of 14 haths will be adopted as the standard measure ; that this promise has never been acted up to, and the writing containing the assurance has been taken away from them ; that on their expressing their wish to desert their villages they were put into irons, and only released on their giving security that they will not desert their villages, and pay the assessment ; that His Highness Mulharrao has sent as Vahivatdar a man of his private "Mundlee," named Tatyajee Mahadev, who has made some new demands, &c. |
| 24 | Sowli Purgunnah.—Petition of Rathod Bapoo Miratsing and others of Tudav under Sowli. | Petitioner complains that his Jumabundee has been systematically increased from the year Sumvut 1911 (A.D. 1854–55) up to the present time. In that year the amount of Jumabundee payable by him was Rs. 4,375, whereas the amount now levied is Rs. 6,925. Has been petitioning the Durbar for the last eight years, but cannot obtain redress. Petitioner alleges that in consequence of these exactions half the inhabitants of the village of Tudav have deserted. |
| 25 | Dehegaon Purgunnah. — Petition from Patels of the villages of, 1, Chamla; 2, | Petitioners complain that the assessment on their villages has been raised as follows: Chamla, |

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| | Demali; 3, Pusunia; 4, Shiapur, in the Dehegaon Purgunnah. | Rs. 1,600 to Rs. 2,600; Demali, Rs. 900 to Rs. 1,740; Pusunia, Rs. 700 to Rs. 1,442; Shiapur, Rs. 225 to Rs. 350, within the last 10 years; and that they are utterly unable to pay the present assessment. They also complain of Gadi Nazerana and of the Inam Commission tax, and allege that numerous persons have deserted their villages in consequence |
| 26 | Petition from Patels of village of Biyal in the Dehegaon Purgunnah. | Petitioners complain that the assessment on Government land has been raised from Rs. 1,400 to 1,950, and on Salamee land from Rs. 1,800 to Rs. 3,025: also that numerous other cesses, such as Inam Commission, Gadi Nazerana, &c., are imposed; also that torture is employed to collect the revenue. |
| 27 | Umreili Purgunnah.—Petition from Patel Narrayen Guva, representative of ryots of the four Mahals of Umreili, named Umreili, Dhari, Damnagar, and Korinar. | The petitioner complains that his father settled nearly all the villages in the four Mahals in the year Sumvut 1864, and that the assessment was then fixed at a certain rate, payable partly in cash and partly in coin. The assessment so fixed was in force for about 60 years, but in the year Sumvut 1920 (A.D. 1863–64) it was considerably increased without any reason whatever. Petitioner also complains of the Gadi Nazerana cess, and states that 300 families have deserted to the Junaghur State. in consequence of the oppression to which they are subjected. |
| 28 | Naosari Purgunnah.—Petition of ryots of Virawul, Powtia, and Chapra villages of the Naosari Purgunnah. | Petitioners complain that the assessment on the different lands in their villages has been raised from Rs. 3 to Rs. 15, 18, and 28, and that they are unable to pay it. |
| 29 | Petition of representatives of village of Shinada, in Purgunnah Teemba, under Naosari. | Petitioners complain that they are unable to pay the present assessment, and also complain of the levy of additional cesses. |
| 30 | Seven petitions from inhabitants of village of Wuriav. | Petitioners, who are women, complain that although their husbands are dead or absent, and they have no one to cultivate the land entered in their husbands' names, yet they are still compelled by Government to pay the assessment on their husbands' former holdings, and are forbidden to resign. Some of the petitioners having deserted, have been forcibly compelled to return, and have been subjected to all kinds of ill-treatment. |
| 31 | Kuri Purgunnah.—In continuation of case 15—<br>Petition from Girdhur Keval and five others on behalf of the ryots of the Kuri Purgunnah. | Petitioners complain that numerous persons wish to come forward and state their grievances, but that they have been forcibly prevented by the Government. They assert that all the local officials have paid Nazerana for their appointments, and have to recoup themselves from the ryots. They complain of the weight of the assessment, and pray that it may be reduced in consequence of the fall in prices. They also complain of the Gadi Nazerana and of the Inam Commission cesses, and assert that persons have commenced to desert their villages.<br>It seems important to bring to the notice of the Commission, with reference to the alleged oppression and misrule in the Gaekwar State, that it has been the subject of correspondence with Government since 1867–68, and that in November 1870 the Government of India forwarded an anonymous petition from the oppressed ryots of all the Mahals of His Highness the Gaekwar's territory to the Bombay Government, with the following remarks:—"Although the petition is anonymous, "His Excellency in Council would be glad to be "favoured with the opinion of the Bombay Govern- "ment whether there is reason to believe that "there is any, and, if so, what degree of truth in "the statement which it contains." The revenue complaints now submitted embrace the period referred to in that petition which was sent to Baroda about the time of His Highness Khunderao's death |

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| | | they also embrace the period from November 1870 to the present time.<br>In reply to the Bombay Government letter, No. 3107, dated 7th October 1870, on this subject, inquiring whether the ryots suffered any oppression under the then system of Government, Colonel Barr reported as follows :—"That he had in vain endea- "voured to discover whence the petition then "returned, purporting to be from the ryots of His "Highness the Gaekwar, had emanated, nor from "close inquiry had he any reason to believe that "they (the ryots) suffer oppression generally under "the present system of Government."<br>It is believed that paragraph 5 of the opening statement of the Schedule states in general terms the revenue grievances of the ryots, but that without detailed inquiry by a special officer it will be impossible to arrive at the real merits of the case.<br>The Revenue Sir Sooba, Hurriba Gaekwar, and his deputy, Narayenbhai, have, it is believed, conducted the administration of this department for the last eight or ten years. The latter was formerly in the service of the British Government under the Rewa Kanta, and the circumstances under which he left the British service in connection with charges of bribery brought against him can be brought forward. He has a residence in British territory at Neriad, and is the popularly reputed possessor of great wealth.<br>A correspondence will also be produced regarding the non-employment of Hurriba Gaekwar, in consequence of his connection with certain intrigues in Calcutta. |
| 32 | General attachment of Wuttuns throughout the Baroda State.<br><br>1. Arbitrary confiscations in the case of many of the Sirdars.<br>2. Hurree Bhugtee's case, banker.<br>3. Moto Lal Samul's case, banker.<br>4. Bullasir Desai (guaranteed by Government).<br>5. Chunilal Pitambar, banker.<br>6. Bapoobhai Hurivulub, firm of Ruttonjee Khandass, banker.<br>7. Bulwuntrow Gunesh Sadashiv.<br>8. Mahdevrow Gunesh.<br>9. Chunilal Chotilal Bapoobhai.<br>10. Mohwa and Wulwara Desai. | The subject of the general attachment of Wuttuns, and in many instances the confiscation of Inams, Jagheers, and other hereditary property belonging to the various classes in the Baroda State, has on many occasions been forced on the notice of the Resident in connexion with numerous cases that have been brought before him, a few examples of which are given in the margin.<br>The general attachment of Wuttuns, which is notorious, has been in force for the last eight or ten years. It was resorted to pending an inquiry, which, however, has never been carried out. The Minister, who on my speaking to him on the subject admitted the *fact*, stated that in many instances sums for marriages and such like expenses have been granted to Wuttundars. He informed me, however, that now, on my representation, all Wuttuns had been released from attachment pending inquiry, and the copy of an order to this effect has been produced before the Resident by the agent of one of the Wuttundars, whose Wuttun has been under attachment for the last 10 years.<br>The subject being considered one of very great importance, as a specimen of unjust administration, owing to the promised inquiry not having been instituted, and the Wuttuns virtually confiscated, a yad was addressed to the Durbar, No. 2778, of November 18th, requesting, with reference to the Minister's verbal representation (that orders had been given to release the Wuttuns from attachment), that a copy of the official instructions on the subject which had been issued by the Durbar might be furnished to the Resident, who proposed to bring the subject to the notice of the Commission for the purpose of ascertaining the exact facts of the case.<br>It is submitted that this general attachment of Wuttuns and the Gadi* Nazerana tax form subjects of real and universal grievance throughout the State. It is strange that the late Colonel Barr mentioned neither of these heavy burdens in his Administration Reports for either 1871 or 1872. In |

*NOTE.—In the administration report for 1871, in which His Highness' accession is reported, Colonel Barr speaks in paragraph 10 of the *assessment* as "*high*," but makes no mention of the

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| | Gadi Nazerana. The Government expressed their opinion on this report "that " there seems to be no doubt that con- " siderable reforms are called for in " many branches of the administration." Paragraph 6, Government Resolution, 2394, dated 6th June 1871. | paragraph 26 of the latter he refers to the restoration of certain allowances under the head of Devusthan, which had been discontinued two or three years before, the attachment of which had caused " universal distrust," under fear that confiscation was intended ; but he omitted the larger question of Wuttuns, Inams, Jaghirs, &c. He speaks, indeed, of an Inam village having been restored by the present Gaekwar to Gumesh Sudashiv, together with its full emoluments, for services during the mutiny, and praises His Highness for having done this act of justice ; but I regret to say that the promise made to Colonel Barr has not been performed, and the point which Colonel Barr especially contended for was withdrawn directly he left Baroda. |
| 33 | Case of Amba, Tanee, Balventrao Sagurkur (a foreign subject), and Bhugvunta Guruv. | The facts of this case are as follows: In the month of November 1871, a woman in the service of the Gaekwar, named Amba, accompanied by her daughter, Tanee, and two companions, named Bulvantrao Sagurkur and Bhugvunta Guruv, and others left Baroda with all their property, intending to proceed to Central India.<br>Their object was to better their circumstances at Scindia's Court, but no sooner had they departed than a Baroda Durbar Karkoon was sent in pursuit. He followed them as far as Nasik, where he obtained information that they were then at Bhosawul, in Khandesh. He thereupon telegraphed to the police inspector telling him that the four persons above mentioned had stolen Baroda Government property and should be arrested. Information was at the same time sent to the Deputy Minister at Baroda to move the Resident to apply for the surrender of the accused persons.<br>The Resident thereupon telegraphed to the railway magistrate of Bhosawul to detain *Amba* and *Tanee*, whereas the Railway Magistrate replied by letter saying that *four* persons instead of these two had been forwarded to Baroda, and surrendered to a Durbar official.<br>On the receipt of the Railway Magistrate's letter, Colonel Barr called for the *primâ facie* case, and sent for all the witnesses. The first was sent; but the witnesses *were never sent.*<br>It is important to notice that the surrender * of the accused persons to an officer of the Baroda Durbar was wholly illegal, and, under the circumstances, most improper. Under no circumstances had the Railway Magistrate authority to surrender accused persons to any Native State for trial. No *primâ facie* case had been submitted to the Railway Magistrate; no reference was made by the Railway Magistrate to the Resident before surrendering the accused. The four accused persons were simply handed over to a Durbar Karkoon on his own *ex parte* statement, without any legal justification whatever.<br>The *primâ facie* case submitted by the Durbar speaks for itself. The whole case appears to have been got up on the complaint of the girl Kasee, the foster daughter of Amba. Kasee has, however, appeared and stated that she never made any complaint at all. The depositions submitted by the Durbar purport to have been taken before the Fouzdar, but they are *unattested* by him, and the accused persons state that no investigation of any kind was made, and that the depositions in their respective names are, in fact, forgeries. It is also a most significant fact that in the *primâ facie* case submitted by the Durbar, Tanee, the chief offender, if any offence was committed at all, is not even charged, but her own father, Nimbajee, is taken to jail in her place, whilst the daughter is taken to be the mistress of the Maharajah.<br>The entire case is one of considerable importance. It affords a specimen of deliberate abuse of power |

* Another instance of illegal surrender is shown in case No. 14 of Schedule I., in which Gopaldass Salekram, of the Kaira village of Neriad, was handed over by the deputy collector, Ahmedabad, to the Durbar police a short time ago, and was thrown into prison in Baroda, and only released on the demand of the Resident.

Also the case of Manicklall Vithul, a resident of Ahmedabad, who was sentenced by the Durbar to imprisonment for 14 years, on a charge of writing a defamatory letter to his brother in Ahmedabad, *Vide* Case No. 9, Schedule I.

In the case of Nuthwa Tisla, No. 5 of Schedule I., illegal bail was exacted from a Maheekanta subject to compel his appearance before a Baroda Court.

The two first instances mentioned show that the Durbar possess some independent means of obtaining British subjects from British territory, otherwise than through the proper channel.

The extent to which this evil exists is unknown to the Resident, but it is quite impossible that the relations between the two States can be on a healthy footing whilst instances of this sort can occur.

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| | | on the part of the Durbar against four innocent persons, one of whom (the father of the girl Tanee) has died in prison, and three of whom have undergone imprisonment for long periods without *any kind of trial, or any charge whatever.* The last two persons (one of them a foreign subject) were only released on the interposition of the Resident. These, as well as Amba, have been plundered of a considerable amount of property. |
| | There is also the case of the Parsee, Bapoojee Cursetjee, seized by Durbar officials in Surat territory, which is still pending in the Surat Magistrate's Court, *Vide* case No. 11, Schedule I. | The possession of the girl Tanee was the primary object in view, and in order that this possession might be interrupted as little as possible, the girl's natural guardians, her own father and her foster mother, Amba, were thrown into prison pending the Maharajah's pleasure.<br>In submitting this case to the notice of the Commission, the Resident desires clearly to point out that he has no intention of holding the Gaekwar responsible for an illegal surrender of Baroda and foreign subjects by a British Magistrate. The illegal and improper action of a British official in surrendering the accused persons cannot, however, exonerate the Gaekwar's Government from liability with regard to their previous or subsequent action in connexion with this case. The points to which the attention of the Commission is respectfully directed are as follows :—1st. The truth or falsity of the criminal proceeding submitted by the Durbar. 2nd. The treatment of the chief offender, Tanee, as contrasted with the treatment of the other alleged offenders. 3rd. The deliberate refusal of the Durbar to forward to the Resident any of the accused persons for examination after having succeeded in obtaining irregularly their surrender from British territories. 4th. The circumstances under which Tanee's father, Succaram Nimbajee, was arrested and subsequently died in prison in Baroda, no mention of the surrender of this person having been made by the Railway Magistrate at Bhosawul. |
| 34 | Case of Tanee, the daughter of Luximun Rao Gooptay. | This girl's father came and petitioned the Resident on behalf of his daughter, who, he stated, had been imprisoned by order of the present Maharajah for about a year and a half, without trial or judicial inquiry of any kind. Her alleged offence was that she declared she knew nothing whatever regarding an alleged infamous intrigue between two persons of high position, and denied having attempted to administer a narcotic to the lady. She was for this thrown into prison, divorced from her husband, and her father was fined Rs. 2,000; all without trial. She was a *Loundi* in the service of the present Ranee, and is not at present more than about 16 years of age. She was only released at the instance of the Resident, who represented the injustice of such cases to the Maharajah, and advised her release. |
| 35 | Case of Fakeer Shaha Saheb and Patel Nuthoobhai Kaloobhai. | The proceedings of the Durbar in the case of this fakeer have been called for, but have not as yet been produced. The man is an inhabitant of Madras, and came in the course of his travels to Baroda, where he took up his quarters in a dhurumshala. He was reported to the Resident as having been thrown into prison by the Maharajah for writing defamatory reports to the press. He was said to have been sentenced to 12 years' imprisonment and Rs. 1,000 fine, and in default of payment to five years' further imprisonment. He has been released in consequence of the Resident's inquiries. He has lost what little property he had. |
| 36 | Case of Ramabai.<br><br>This case and No. 34 (as also that of Chimnia Wagh, No. 38,) throw light upon the insuperable objections raised by the Ranee Jumnabhai to remain in | This woman's case is similar to that of the girl Tanee above (No. 34). She was required to give false evidence to the effect that one Govindjee Naik (who afterwards died suddenly in prison under suspicious circumstances, and is generally believed to have been poisoned,) had been concerned in a |

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| | Baroda after the death of her late husband. *Vide* Government Resolution, No. 5519, of 13th November 1871, and Government Resolution, No. 6015, of 12th December 1871, and correspondence *passim*. | *liaison* with the same lady referred to above. Upon refusal she was stripped of her property and thrown into prison without trial, whence she was released about a fortnight ago, after having been in prison for upwards of two years. |
| 37 | Case of the present representative of the old banking firm of Hurree Bhugtee, Muggunbhai Purshotum.<br><br>That Hurree Bhugtee's is not an isolated case of loss inflicted upon bankers on a large scale by the present Maharajah is shown by the following cases:—<br>1. The case of the banking firm of Samul Bechur, involving many lakhs of rupees.<br>2. Also the case of Dowlutchund Juverchund, of Ahmedabad, for Rs. 271,000.<br>3. Also the case of Amtha Runchord for Rs. 50,750.<br>4. Also the case of Muggunlall Hukkumchund, of Ahmedabad, for about Rs. 5 lakhs.<br>The heads of all these firms are British subjects, resident in or trading with Baroda, and they have no means of redress, save through the Resident, in case injustice is done to them. | Muggunbhai Purshotum is a youth about 17 years of age. His father came to the Residency to complain that his son, the head of the firm of Hurree Bhugtee, though a ward of the Gaekwar Government, has been despoiled of a considerable amount of property, and that, unless some inquiry were made into his case, he would be ruined. Measures were then adopted through the Minister to obtain the attendance of the youth in question; and the facts as related by Muggunbhai himself are as follows; it is submitted that they afford *primâ facie* evidence of serious abuse of power and breach of trust on the part of His Highness Mulharrao, whose relation to the minor in question is that of guardian:<br>"I am 17 years of age and reside at Baroda. Originally Hurree and Bhugtee were two brothers trading under the name of Hurree Bhugtee at Poona, under the Peishwa, and the firm accompanied Govindrao Gaekwar when he ascended the Gadi of Baroda, and he established them as the State Bankers.<br>"I have heard part of an anonymous petition read to me. 1st, about six lakhs of rupees connected with my firm; 2nd, a Nazerana of five lakhs taken on my adoption; 3rd, the sum of three lakhs of rupees lent to Bhow Scindia; 4th, a receipt for Rs. 75,000 taken by His Highness Mulharrao, without paying the money; 5th, Rs. 100,000 taken by Geerdhur Tricum himself; 6th, an emerald necklace and other ornaments, with cash, chandeliers, clock, &c., taken by the Maharajah Mulharrao; 7th, the resumption, about a year ago, of our Inam village and allowances.<br>"In the year 1925 His Highness Khunderao Maharajah appointed one Girdhur Tricum as Mooneem to superintend the affairs of my firm; owing to the misconduct of this man, I made a petition to His Highness Khunderao to remove him; this was a few months before his death in 1870. Khunderao Maharajah died, and representations were continually made to the same effect to His Highness Mulharrao, but nothing was settled; then a cashier, named Gordhun Bapoojee, arranged through Balwuntrao Raholkar to give a Nazarana of Rs. 75,000 to the Sirkar to get the appointment renewed; and a man named Choonilall Peetamber was appointed by me, with the sanction of His Highness Mulharrao. This was about September 1871. Wussuntram Bhow and Bulwuntrao Raholkar threw difficulties in the way in their dealings with the firm as connected with the Government banks, and Bulwuntrao told me that unless I reappointed Girdhur my firm would be ruined. Upon this I had no alternative but to reinstate Girdhur. Bulwuntrao Raholkar was at that time doing the work of Dewan, and I looked upon this as an order of Government. Girdhur Tricum continued in my employ as Mooneem until about two months ago.<br>"Next, about the six lakhs; it refers to a transaction which occurred when I was a minor; but this much I know, that the Sirkar sent their men to examine our accounts, and they said that 20 lakhs were owed by the firm to the State on account of some old debt, and a chit for 20 lakhs of rupees was taken from my adopted mother for that amount. Six lakhs were paid by the firm in part payment of that amount, but three proofs were adduced by the firm to show that the debt had been really paid off, and in consequence of this His Highness Khunderao ordered that the said six lakhs should be returned, |

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| | | and no demand made for any more; and Mulharrao Maharajah returned the chit for 20 lakhs, but did *not return the six lakhs* ordered by Khunderao, and they *are* still unpaid, but I do not know whether the amount has been written off in our books or not.<br>"With regard to the second point, I have been told that five lakhs was paid as Nazarana on the occasion of my adoption.<br>"With regard to the third question of the loan to Bhow Scindia, he had a Khata with the firm, but no large amount was due by him. Girdhur Tricum lent him about 2 or 2½ lakhs of rupees on private account. This has not been repaid. We have filed a suit about this in the Court of the First Class Subordinate Judge of Nasik against the widows.<br>"As regards the fourth question, the Rs. 75,000 was lent privately to Mulharrao before he came to the throne. Some time after His Highness' accession, the Mooneem, Girdhur Tricum, came to me and said that the Maharajah demanded *an acquittance of this sum without payment.* I replied that it was unjust, and that I would not do it. He then left for his house. He again came back to me at about 8 o'clock at night when I was in my bedroom, and he said that the receipt was demanded, and that, whether I would or not, it was the pleasure of the Sirkar and must be signed; upon this I signed it.<br>"Regarding the lakh of rupees alleged to have been taken by Girdhur Tricum himself, I beg to state that from time to time he did draw sums from the firm in his own name, and that the balance against him now is about Rs. 117,000.<br>"The sixth case which refers to the emerald necklace, other ornaments, cash, chandelier, clock, &c., taken by His Highness the Maharajah, I beg to explain that about seven or eight months after His Highness' accession to the throne, the Mooneem, Girdhur Tricum, came to me with a Jassood of His Highness, and said that His Highness required one or two ornaments to see. I permitted him to take one or two, which were returned at once the same day. That evening Balwuntrao Raholkar and Girdhur came to me and told me to show the jewels and ornaments in possession of the firm. I took them to the Jamdarkana and showed them the ornaments; Raholkar selected four or five and took them away, and took me also to the Maharajah. His Highness approved of *them all and kept them.* I have no idea of the value of them; there were earrings, necklace, &c.; there were four or five sets in all. On this occasion His Highness the Maharajah returned to me *the receipt for twenty lakhs referred to* above. I also received a Poshak, value about Rs. 100, and Girdhur received a pearl necklace. A month before the Dewalee of 1872, Girdhur came and told me that the Maharajah wanted *my emerald necklace.* I refused to give it, and added that it was mortgaged with the Killedar for a lakh of rupees, that not being its value, but the amount lent upon it. On this, Government lent me a large sum to enable me to redeem the said necklace from mortgage, which sum is now either paid or in the course of payment; the necklace was redeemed and brought to my house. One night, Wussuntram Bhow, the manager of the Gaekwar Bank, together with Girdhur Tricum, came over and desired me to *unlock the box in which the necklace was.* The key was not to be found, so a blacksmith was sent for, and the *necklace was carried away.* I was thus helpless in the matter. I was told to accompany them to the Palace, which I did. At that time the Maharajah was asleep, and I was desired to return the next morning. I did so, and paid my respects to the Maharajah, *who had on the same necklace* taken from me the night before. I paid my re- |

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| | | spects to the Maharajah and returned. A few days after this, the Maharajah as usual came to my house in the Dewalee, and took away a chandelier and a clock, both articles of high value. In making up the accounts with the Durbar for that Dewalee, the Durbar not only wanted credit for the three-quarters of a lakh agreed upon to ensure the removal of Girdhur Tricum, but also for another Rs. 40,000 said to have been promised to the Maharajah by the Killedar (cashier) under the following circumstances:— Goverdhun wanted to get the place of manager of the new Government Bank, and he said that he would get Rs. 40,000 paid to the Maharajah from Hurree Bhugtee's firm if he got it. I protested against this, and asked why I should pay for the cashier getting a place. Girdhur told me that the Goomasta had agreed to pay this amount, and therefore that it would have to be paid. I know the above from what Girdhur told me, and Girdhur also said that on his telling the Maharajah that I objected to pay this amount he had Goverdhun confronted with him, but I told Girdhur that, even if the Goomasta had promised, why should I pay for another man? He then said that the amount must be paid, and with much difficulty the amount *was reduced to rupees twenty-five thousand;* orders were accordingly given to the Durbar for this amount in the accounts of the firm. At the time when the quittance for Rs. 75,000 was given to the Sirkar, Girdhur said that *rupees ten thousand also* had to be paid to the Sirkar, and *he took the amount.* I don't know what has been paid during my minority or without my knowledge. After my adopted mother's death the Gaekwar Government took the management of the firm into their hands by appointing Girdhur Tricum as manager. Now I have employed Narayenrao Wamun Nafra as my Mooneem; the Maharajah has agreed to this arrangement.<br>"About a year ago, in September 1872, our four villages and allowances were confiscated by the Gaekwar. Some of the villages were given by the Peishwa and some by the Gaekwar.<br>"About the debts due by Bhow Scindia to the firm, I asked Girdhur to speak to the Maharajah about it, but he said that the Maharajah could do nothing, therefore we filed a suit in the Nasik Court. I also obtained a decree against Bhow Scindia, in the Baroda Court, for Rs. 230,000, but I have not recovered anything. I gave a chit for the commission on this suit. During Khunderao's lifetime, Girdhur took some ornaments which he said had to be paid to Bhow Scindia. I do not know that they were so required.<br>"A garden of ours at Baroda called Now Lukhee Bowree, and kept up at our expense, has been appropriated for the last two years by Mulharrao for the use of his concubine called Forthwarra, who is now residing there."<br>(Signed) MUGGUNBHAI PURSHOTUM.<br>Before me,<br>(Signed) R. PHAYRE, Resident. |
| 38 | Case of the late Minister Bhow Scindia and of the favourite followers of H. H. the late Maharajah Khunderao Gackwar. | In June last year the Bombay Government in their Resolution, No. 3940, after commenting upon the circumstances attending the death of Bhow Scindia in prison, so far as they were revealed by the Durbar, concluded with the following instructions:—"His Excellency the Governor in Council is of opinion that, in the present state of affairs at Baroda, the Resident should not content himself "with accepting all the official statements put for- "ward by the Durbar, but should adopt indepen- "dent means of ascertaining the true state of facts. "Besides Bhow Scindia, there have, His Excellency "in Council believes, been other persons who were |

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| | *E.G.* 1. The evidence taken in the Amba Tanee case, No. 33.<br>2. The evidence and action taken in Anandrow Sakooray's case.<br>3. Syud Saduk Ali's case, No. 4.<br>4. Case of Chimnia Wagh, case No. 46.<br>5. Important discrepancy of evidence in the case of Bajeerow Bapoo, a British subject, convicted of murder by the Durbar.<br>6. Yads No. 3678 and No. 4309, dated Oct. 30th and Nov. 21st, from Captain Reeves, Political Agent, Rewa Kanta, relative to certain depositions in revenue cases.<br>7. Denial by Durbar of all knowledge of the two Junaghur girls. *Vide* Yad No. 28 of Jan. 5th, 1873, and correspondence. The two Durbar men, Tatia Poonekur and Bunderow, who brought the girls from Poona to Baroda, utterly denied that they were here, though the Resident a day or two after recovered both of them from H.H. the Gaekwar's own residence.<br>NOTE.—*The following evidence to show that Bhow Scindia died a natural death was brought by the Fouzdar to Colonel Shortt, on the 7th May* 1872:—<br>1. A letter from the jailer to the Fouzdar, dated 30th April 1872.<br>2. Report from the same to the same, reporting death of Bhow Scindia, with details.<br>3. Report of inquest by Gunesh Pandoorung Shastree and Doctors Aderjee Jamsetjee and Narraynrow Venayek.<br>4. Report from jailer about cremation.<br>5. Report from doctors to the effect that they had given Bhow Scindia medicine on the day of his death, but that it had no effect.<br>6. Deposition of Krishnarow Bheema Shunkur Shastree, *alias* Tatia Shastree.<br>7. Deposition of Hurriba Gopalrow, servant of Bhow Scindia.<br>8. Deposition of Gunputrow Crishnajee, a life prisoner now in jail.<br>9. Deposition of Jumal Peerbhai Turukey.<br>10. Deposition of Gunesh Gheer, jail sweeper.<br>11. Deposition of Daroo Siddoo, jail Duffedar.<br><br>Colonel Shortt, in reporting to Government on this evidence in May last year, spoke of Krishnarow Bheema | " in favour with the late Gaekwar, who have been " imprisoned by his successor and have died in " confinement. The Resident should be directed " to ascertain the number of these persons, the " offences of which they were convicted, and the " causes to which their deaths are ascribed."<br>The cases quoted in the margin, besides that under immediate consideration, will amply illustrate the necessity for these instructions of Government. They show that under the present system of administration, no reliance can, as a rule, be placed upon Durbar official statements in matters affecting the administration of public justice.<br>On the death of the late Maharajah Khunderao at Mukkunpura, on November 28th, 1870, most of the followers and dependents of the late Maharajah were at once disgraced, and the most prominent of them thrown into prison. The following persons soon afterwards perished under circumstances which led to the popular belief that they had been poisoned :—<br>1. Bhow Scindia, ex-Dewan of H. H. Khunderao.<br>2. Rowjee Master, a Karkoon employed in the service of Jamnabaee, Ranee of the late Maharajah Khunderao, who was apprehended in Bombay on a Durbar *primâ facie* case.<br>3. Gunnoo Wagh, Khitmatgar and confidential servant in H. H.'s household.<br>4. Mulharba Shilki, Khitmatgar and confidential servant of H. H. Khunderao.<br>With regard to the first case, the belief is general in Baroda, and has been so from the hour of Bhow Scindia's death, on the 1st of May 1872, that he was poisoned in prison, and the evidence now placed on record for the first time appears to establish the fact conclusively. The following persons have given evidence of the circumstances which attended the last days and death of the ex-Minister, viz. :—<br>1, Moonshee Hubbeeboolah ; 2, Hurriba Gopalji ; 3, Kooshaba Govindrow ; 4, Eshwuntrow Succaram ; 5, Chimunrow Luxmun ; 6, Bulwuntrow Keshuv ; 7, Bulwuntrow Sagurkur ; 8, Narayenrow Ramchunder ; 9, Kassinath Gunesh ; 10, Gunputrow Goojur ; 11, Amba.<br>The widows of the Minister and of the three other deceased persons have presented petitions praying that a strict inquiry should be made, and that the property of their deceased husbands should be recovered for them from the State, because they are, generally speaking, in circumstances of want.<br>The property of the late Gunnoo Wagh is sworn at upwards of three lakhs, and that of Mulharba Shilki at 1¼ lakhs.<br>Besides the above followers of Khunderao who have perished in confinement, the following have been released after suffering confinement for various periods, and after being deprived of all their property and losing their position in the Gaekwar's household, viz. : (1), Moonshee Hubbeeboolah ; (2), Chimnia Wagh ; (3), Eshwuntrow Succaram Moongekur ; (4), Kooshaba Chutriwala ; (5), Bulwuntrow Keshur ; (6), Masook Vakeel.<br>Moonshee Hubbeeboolah states that he was possessed of personal property amounting to about Rs. 70,000 and two Inam villages ; that he was thrown into prison without charge or trial on the pretext that he had inflicted an unlawful fine of five rupees on one of his own villagers.<br>Chimnia Wagh states that he has been deprived of ornaments and other property to the value of Rs. 51,000, and has been imprisoned up to the present time on an alleged charge, which he had not previously heard of, of attempting to burn down the Havelee.<br>Eshwuntrow Succaram states that he has been deprived of property amounting to about Rs. 89,000, |

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| | Shunkur, *alias* Tatia Shastree, in the following terms :—<br>" The first of these depositions is " given by the grandson of Gunghadhur " Shastree, who is confined in a room " close to that occupied by the late Minis- " ter, not in the jail, but in what is called " the jailer's house." This was submitted in favour of the reliability of this principal witness; but when I state that this very Tatia Shastree was the confidant and companion of Mulharrao Gaekwar, at the time of the conspiracy against the life of H. H. Khunderao in 1863; that it was he who sought to seduce Serjeant-Major Higgins of the 28th N. I. from his allegiance, for the purpose of murdering the reigning Gaekwar; that he was tried, convicted, and sentenced to rigorous imprisonment for life for this crime by *Bhow Scindia himself*, when Fouzdar of Baroda; then I respectfully submit that there is *primâ facie* proof of the utter unreliability of this man's evidence. Such evidence, it is submitted, ought never to have been imposed on the British Resident by the Gaekwar Government. Had the facts now stated been brought to the notice of Government, further steps would have been taken at the time to obtain the fuller and more reliable evidence which is now forthcoming.<br>Tatia Shastree was released from jail by H. H. Mulharrao shortly after the events referred to, and he is now residing in a village on the Nurbudda, or was so recently.<br>Two other followers of H. H. Mulharrao were condemned at the same time as Tatia Shastree to 10 years' rigorous imprisonment each.<br>These were released and taken into H. H. Mulharrao's private service again.<br>These being the acts of a Prince in close alliance with the British Government require explanation. One of these persons, Vishnoo Punt, is said to have died a month or so since in the Deccan. The other, Mookoondrao Mama, is now employed on a special mission from H. H. to Maharajah Holkar to inquire after his health. | and has been imprisoned up to the present time without trial and on no charge whatever.<br>Kooshaba Chutriwala states that he was possessed of considerable property, amounting to upwards of Rs. 50,000, all of which he has been deprived of. He was released only a few days ago on the Resident's intercession, after being imprisoned for upwards of two years.<br>Bulwuntrow Keshow states that he was Huzur Kamdar under the late Maharajah Khunderao, and was possessed of property amounting to Rs. 61,000. He further states that he has been in prison for upwards of three years without any trial or charge against him, and has been deprived of the whole of his property, besides losing his employment in the Gaekwar's service.<br>Masook Nursidass Vakeel, a British subject, was a favourite of His Highness Khunderao, under whom he was employed at one time in inquiring into the conduct of Bulwuntrao Yeshwunt, the present Sir Fouzdar, and Nanajee Eshwunt, who were Vahivatdars of the northern districts of Putton, Kuri, &c., in 1868–69. He made up several cases against Bulwuntrao Eshwunt and Nanajee Eshwunt, and also showed that the Revenue Sir Sooba, Hurreeba Dada, and his deputy, Narayenbhai, were concerned in the frauds brought by him to light. His Highness Khunderao imprisoned both Bulwunt Rao Yeshwunt and Nanajee Eshwant, and intended treating Harriba Dada and Narrayan Bhai in a similar manner. In the meantime, however, the Maharajah died. Masook was then in Ahmedabad, and came in three days to Baroda. Six days subsequently (December 1870) his wife was seized by Karkoon Baboorow of the Senaputty Department and Tatia Poonekur. He himself also was arrested, and imprisoned for nine months, and was only released on paying Rs. 15,000. His loss of property was considerable.<br>On the facts thus stated three questions for consideration arise :—<br>1. Upon what evidence and under what circumstances these persons were originally tried and convicted?<br>2. What legal disposition has been made of the property of all these persons, amounting to many lakhs of rupees?<br>3. Under what circumstances the four persons first mentioned came to sudden death in prison at Baroda?<br>The evidence now submitted will, in conjunction with that given in other cases, exhibit the main cause of the absolute terror and mal-administration which at present distract the Baroda State.<br>In addition to the complaints of the principal followers specified above, similar complaints of loss of property, &c. have been received from 50 or 60 more of the late Gaekwar's adherents.<br>It seems scarcely credible that such deliberate class persecution as has occurred in this instance could have been committed with impunity in a state within 250 miles of Bombay, surrounded by British territory, and having a British Resident. Yet such is the case; and I would respectfully submit that, having occurred at the capital of an ally of the British Government, the subject was deemed of sufficient importance to elicit the notice given to it by the Bombay Government in para. 4 of their resolution, No. 3940, of the 30th June 1872, already quoted.<br>The opening of railway communication between the Baroda district and Ahmedabad, Surat, Broach, and Bombay within the last few years is gradually but surely effecting great political changes in the Baroda State. Gaekwar subjects now visit the large cities freely as well as the British districts connecting them, and hence they cannot fail to |

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| | | contrast their own position of semi-slavery with that of our subjects, and arrive at the conclusion that the hardships imposed on them are contrary to their own laws, which, if administered with common fairness and impartiality, would render them contented and happy. |
| 39 | *The flogging case.*<br>1. Dajeeba Kumatee.<br>2. Gunnoo; died under the flogging.<br>3. Vittoba.<br>} These three are said to have confessed their crime.<br>4. Raghoo Sawunt.<br>5. Narayen bin Shivla.<br>6. Luximon bin Pandoba.<br>} These three did not confess.<br>7. Borah Futteh Ali.<br>} A lad said to have confessed.<br>8. An oilman. | The facts of this case are briefly as follows: The deceased, Tattia Powar, who is alleged to have been poisoned, was a confidential servant of H. H. the Gaekwar. It appears that on Sunday, 16th March 1873, the Rung ceremony of the Holee was carried out on the parade ground near the city, and that coloured water was pumped on the assembled persons from elephants from 10 a.m. till evening. Liquor was freely distributed amongst the people. The deceased, Tattia Powar, was present throughout the day at the ceremony, and it is alleged that on his return to the Palace in the evening he used lemon juice and water to remove the red stains from his person. He then went to dinner, and it appears that he was soon afterwards seized with vomiting and purging and died in a few hours; some allege from the effects of liquor and the wetting to which he had been subjected during the day. Suspicion arose in his sister's mind that he had been poisoned. Eight persons were arrested on suspicion of being concerned in the murder, all of whom were publicly flogged in the streets of the city by order of the Gaekwar; of the persons so flogged, one, Gunnoo, died on the spot, and the other persons were reported to be in a precarious state. The relations of the sufferers affirm that Tattia Powar died from natural causes, and that no crime was ever committed at all. The Durbar admit that four of the accused persons were convicted on their own confessions, and that three did not confess. The case having been ordered to be laid before the Commission by Government, the proceedings were called for, but have not been furnished. The petitioners allege that confessions were extorted by the flogging in question. Upon these facts three questions for consideration arise:—<br>1st. Whether the deceased, Tattia Powar, was in fact poisoned as alleged?<br>2nd. Whether the flogging inflicted was a judicial sentence inflicted after a legal investigation; or whether the flogging in question was the cause of, and preceded the confession of, four or five out of the eight accused persons?<br>3rd. If the sentence of flogging and imprisonment for life was the result of fair judicial inquiry and properly recorded proceedings according to the laws of the State, why should the Durbar have delayed from April to October to reply to the Resident's letter, putting the following questions of Government:—<br>1st. Under what judicial procedure the prisoners received their sentences?<br>2nd. By what steps the Durbar ascertained that the Gaekwar's servant had really died from the effects of arsenic?<br>3rd. In what way the confessions were obtained, and what was the exact nature of the admission made by the accused?<br>In the Durbar reply, No. 2145, dated 9th October 1873 these questions are not satisfactorily answered, no sufficient information having been afforded as to the judicial procedure under which sentences were passed, the confessions obtained, and the steps taken to ascertain that the deceased had really died from the effects of poison. The Government, therefore, in their letter No. 6919, of |

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| | | 16th November, have ordered that the judicial proceedings of the Gaekwar authorities in this case may be brought before the Commission. The judicial proceedings were accordingly called for in yad No. 2744, of November 13th, 1873. Another reminder was sent in yad No. 2810, of November 20th, requesting that all the persons concerned might be sent to the Resident, together with the proceedings, naming a specific date, namely, November 21st. Up to the present time no answer has been received, and neither the proceedings nor the persons concerned are forthcoming. In the meantime His Highness the Gaekwar, under the Resident's advice, liberated four of the prisoners; two only, viz., Dajeeba Kamatee and Vittoba, who are said to have confessed their crime, being kept in prison. |
| 40 | Seizure of women in the city of Baroda to serve as Loundis.<br>Instances quoted in yad—<br>1. Wife of a Soni residing in Baroda. Case described to His Highness.<br>2. Mahalsabai's daughter.<br>3. Wife of Koondajee.<br>4. Sister of Residency Karkoon. | On the 15th August last the Resident, in consequence of several complaints that had been made to him, addressed His Highness to the effect that women were seized by His Highness' officials and carried off to serve as Loundis in His Highness' household; that the object of the Resident in addressing him was to ascertain the facts of the case, because on the 12th March 1856 slavery was abolished in His Highness' dominions. The number said to have been deprived of their liberty in this manner amounts to between 400 or 500 women and girls, most of whom are only 22 years of age and under, &c., &c.<br>The following specific instances were brought to His Highness' notice:—<br>A Soni named Keshowlal Jeta complained that his wife Suraj, aged about 22 years, had been first seduced and then made a Loundi under the following circumstances:—<br>The complainant stated that two persons living close to his house in the city, viz., Runchord and Gopi, sons of the notorious Bhugwundass Ragonathdass (who was in prison for five years in 1863, for aiding and abetting conspiracy, and died in prison) are neighbours of the complainant, whose wife, Suraj, was seduced and carried off by Runchord in April last, together with ornaments, clothes, &c.; some time elapsed before the complainant could obtain any clue to the hiding-place of his wife, but he at last discovered that she was living in a garden lately given by Your Highness to Runchord and Gopi on the road to Mukunpura. The complainant obtained the assistance of a police peon and went to arrest the girl, but Runchord's servants declared that they would not allow her to be arrested without orders from their master. Runchord was sent for, and when he came threatened complainant, who was obliged to withdraw; complainant then went to complain to the Fouzdar and Senaputty, and finally to Your Highness, who on that occasion was accompanied by the Minister and Hariba Dada, and others. Complainant represented his circumstances, and Your Highness asked Suraj where she had gone to after leaving her husband. She replied that she had gone to Bombay because her husband beat her, and did not give her food and clothing, and that for this reason she had gone to live with Runchord, and that she wished to stay with him. Complainant was then sent back to the Senaputty's kutcherry, and was eventually told that his wife could not be restored to him or any of his property; that she had been sent to the Nava Wada as a Loundi, and that she was in charge of a private servant of His Highness, Wussuntram Bhow. The complainant states that he accordingly went to Wussuntram Bhow and demanded his wife, but was told in reply that she was made a Loundi, and that he could not have her. He then demanded her |

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| | | ornaments, but was told that a Sirkaree Loundi must have her ornaments. Though the woman is a Loundi, yet she is permitted to visit Runchord, who lives close to the complainant, and thus scandal goes on before all the neighbours.<br>Thus it appears that the wife of this goldsmith was sent with the Maharajah's knowledge to serve as a Loundi, notwithstanding her husband's repeated applications for her restoration to him. The case was eventually settled by the woman being restored to her husband, and the value of her ornaments, amounting to about Rs. 600, which had been taken from her, being also restored.<br>The case of Malsahbai was briefly that her daughter, aged 17, had been forcibly carried away by Government sepoys and made a Loundi in His Highness the Gaekwar's household. This girl was also released on the application of the Resident.<br>The case of Kondajee is precisely similar; viz., that Government sepoys had seized his wife and made her a Loundi. He stated that the primary object of these sepoys in seizing her was to prostitute her. This girl also was released on the application of the Resident.<br>The truth of case No. 4 is denied by the Durbar, notwithstanding the fact that her release was obtained by the Resident through the Minister. The principal offender in this case was His Highness' private Secretary, Damodur Punt. A good deal of correspondence has taken place about it, and the present result appears to be that the girl's friends are afraid to come forward for fear of her being excluded from caste, if the facts of the case are publicly recorded in court.<br>In addition to the above-mentioned cases, some 8 or 10 women similarly abducted and made to serve as Loundis were released on the Resident's intercession; no record of these cases was kept except in the instance of a woman named Gunga, who was seized and made to render forced service to a mistress of His Highness, by name Luximeebai.<br>The subject of abduction was again brought to the notice of Government in letter $\frac{120}{906}$, of October 4th, 1873, forwarding for information the petition of one Kashee, woman, with accompanying correspondence. This woman's daughter was forcibly abducted to serve as a Loundi in the Ranee's household. Her deposition was taken, in which she states that she was taken direct to the Maharajah; that she wept bitterly and asked to be released, but that he was inexorable and ordered her to be kept in the Ranee's household. She was released on the interposition of the Resident. This was a distinct case of forcible abduction in which the Maharajah himself gave direct orders.<br>The petition of a relative of the Gaekwar, Jugoba Jugtap, forwarded to Government with letter No. $\frac{181}{872}$, of 24th September, shows how the Maharajah endeavoured to possess himself of a kept-mistress of the former. This was resisted by the Sirdar, and another girl was given in her place to His Highness; but the whole transaction proves the existence of the system, and shows that if His Highness will send men forcibly to abduct a girl from the house of a relative, others of less rank in Baroda have probably suffered in a similar manner.<br>The only other case deserving of special notice is that of two girls from Kattywar who were in the service of the late Gaekwar's Ranee, Jumnabaee, and accompanied her to Poona. It appears that two of the Durbar men employed on this work, Tattia Poonekur and Bunderow, who went to Poona to escort the Ranee to her residence there, brought back the Junaghur girls and three or four others as Loundis. A reference was made to the Durbar about the two Kattywar girls, on behalf of their father, in Residency pad No. 1835, of September |

* On the 20th September last a case of a Koli girl having been sold to Bulwuntrao Nagurkur, in His Highness' private employ, was brought to the notice of the Durbar. In this case a reply was received to the effect that the girl has no other protector and wished to stay with Bulwuntrao, her parents not being known.

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| | Written depositions of the following persons were sent up to the Residency together with the Fouzdar, Bulwuntrao Yeshwunt :—<br>(1.) Tatha Poonekur, commanding the police in Baroda.<br>(2.) Bunderow, Karkoon.<br>(3.) Nana Bheema, a sepoy of Bulwuntrao Yeshwunt. | 7th, 1871; to this reference no reply was received till January 1873, when the Durbar declared that the girls had gone with the late Ranee to Poona, whereas they were at that moment in Baroda. The Durbar were again applied to in consequence of a demand made for the girls by Mr. Peile, Political Agent, Kattywar. The Durbar positively and persistently denied that the girls were in Baroda, and sent up Tattia Poonekur and Bunderow to the Resident, accompanied by the Dewan and Bulwuntrao Yeshwunt and Bapoobhai, for the purpose of giving him information on the subject. The Resident distinctly asked each person what had become of the girls, and they openly declared that they were not in Baroda, but had gone to Poona with Jumnabaee. The Resident believed the men, supported as they were by the Durbar, and was about to write to Poona to have the girls sent at once to Baroda : but as soon as the Durbar had left the Residency, a Karkoon of the office who had gone to Poona with Jumnabaee declared positively that the girls were at that moment in His Highness' own household in the city. I accordingly informed His Highness to that effect, when he said that if I could point out the girls they would be given up. My Karkoon and others went to the city and returned with the two girls, who have been made over to Mr. Peile for restoration to their father.<br>Thus in the first instance a lawful demand made by the Resident is evaded for nearly two years; then a distinct denial is given that the girls are in Baroda; thirdly, this false statement is supported by apparently false depositions, reiterated orally in presence of the Durbar to the Resident himself. |
| 11 | Case of the Vahivatdar, Bulwuntrow Trimbuck, and his torture of a Brahmin woman named Beynee in the kutcherry at Visnagar in October 1873. | This case has been referred to the Durbar, but no reply has yet been received. The facts will be seen from the following statement.<br>Statement on solemn affirmation of Beynee, wife of Tooljaram Motiram, a Visnagar Brahmin, age about 25 years, resident of Visnagar, His Highness the Gaekwar's territory :—<br>"I live in the town of Visnagar, where there is a Vahivatdar named Bulwuntrow Trimbuck. About 8 or 10 days before the Dewalee (10th instant), a young brother of mine, named Bhoolia Hurreeshunkur, aged about 12 years, came to see me from Beejapoor, where my father resides. He came in the evening and slept in my house. Next evening he went out, and as he had not returned by 10 o'clock the following morning I went to my sister's house, named Jurree, wife of Muggon Kaysoram, to inquire if he had gone there. I did not find him there, and returned home. An hour or two after, two or three peons came to my house and sat in the entrance. I asked them why they had come; they said that my brother had been accused of theft, and that they had come to attach the house. My husband was absent at the time, so I opened the inner apartment and stood outside, whilst a Government Karkoon and several others came and searched the house. Nothing was found. The attachment was removed, and I re-occupied the house. In the evening the Vahivatdar sent for me to the kutcherry. I went there, and he asked me whether my brother had given me any stolen ornaments. I replied no. He then asked me whether my brother had come to my house. I said he had come and remained one day, but that I had not seen him since. This was about 7 or 8 p.m. The Vahivatdar called upon me to furnish security, which I did to the extent of Rs. 500. I was then allowed to go home; for three days I heard nothing more of the matter. On the evening of the fourth day sepoys Kuljee Meana and Meer Khan came to my house and said that the Vahivatdar required my presence. This was about 7 or 8 p.m. I went to the kutcherry. I saw my brother |

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| | | Bhoolia and his companion Chotia being beaten on that occasion. The Vahivatdar told me to hear what my brother said. I replied that I did not know anything about the matter, and that a thief would say anything to save himself. The Vahivatdar said that my brother had given the names of the following persons as concerned in a theft, viz., Lulloo Brahmin Oozum, a female of the Kussara caste; my sister Jurree; Chotia Uttaypooro, a boy; Lela, a Brahmin. The Vahivatdar said that nothing was found in the houses of those persons when searched, but that my brother had mentioned my name as concerned in having received the property, and that I must confess. I denied knowing anything at all about the matter, upon which I was imprisoned in the jail and my house was attached. On the *2nd day* my daughter, seven or eight years old, brought food to me, but I did not partake of it, as I was in grief. I was summoned to the kutcherry about noon. Several people were present there, and I was again called upon by the Vahivatdar to confess. I again said that I knew nothing whatever about the matter, and that I had nothing to confess. The Vahivatdar said that my brother had accused me, and that if I did not confess I should be beaten and the skin taken off me. I cried and told the Vahivatdar again in an entreating manner that I knew nothing about the matter. He then called the sepoy Kuljee, saying that he alone could bring me to my senses. He came and commenced pushing me about and beating me with his fists. I was not allowed to sit down, and no one would give me water, nor was I allowed to go out to make water. This went on till the evening, when I was remanded to jail. On the *3rd day* at noon I was again sent for, and the Vahivatdar again called upon me to confess. There were many people present. I gave the same reply as before, that I knew nothing about the matter. The Vahivatdar then said that without severe beating I should not come to my senses. Then by order of the Vahivatdar they brought a purda, which they fastened by ropes to one end of the kutcherry, so as to form a private room. The Vahivatdar used the most indecent language to me, and ordered that chillies might be brought for the purpose of taking my reputation. Red chillies were bruised and placed in two small bags. I was then taken inside the purda by Kuljee and another man whose name I do not know, but whom I might recognise if I saw him. The Desais and other respectable persons who were in the kutcherry on this withdrew and went out on the terrace. The Vahivatdar and some Karkoons remained in the kutcherry. Umrattal Desai did not go to the terrace, but remained with the Vahivatdar. When inside the purda, Kuljee commenced pulling me about violently, and said that the bags would be applied to my private parts if I did not confess. I cried out loudly. This lasted for some time, when the Vahivatdar told Kuljee that I would not come to terms here, and that I should be taken down to the stable, and that a peg should be brought and my reputation taken. This was accompanied by the most indecent language. I was then taken to the stable. It was evening. Kuljee and the other man then tied a rope to a post and fastened my hands up over my head. No one was allowed to be near the stable. They then stripped me naked except my choolee and petticoat. The latter was then lifted up and one of the bags of chillies was applied to my private parts by Kuljee. The other man had a peg in his hand and made indecent gesture with it, saying that he would use it; he did not do so. Kuljee called upon me to confess, but I did *not* do so, but cried out from the excessive pain and also from terror. Some one called out from outside that the Vahivatdar ordered me to be released and sent |

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| | | back to jail, which was done. I wept nearly the whole of that night in the jail from pain and shame. The guard and the other prisoners consoled me, and they said that if my cries were heard by the Vahivatdar further violence would be used, but that God would help me.<br>"*4th day.*—Next day I was again sent for to the kutcherry at noon, and the Vahivatdar informed me that I could not escape, and that if I did not confess my skin would be stripped off. I again repeated that I knew nothing about the matter. The Vahivatdar then said,' If you have given the ornaments to Lela or anyone else you must confess it.' I said that I had not given anything to anyone, and how could I confess. The Vahivatdar then gave orders that a tobra of chillies might be applied to my face. Previous to this I was flogged with a rope by Kuijee; several people were present, but I cannot say who, because I had covered my face, some people of my caste being present. Powdered chillies were then put into a cloth and bound round my mouth and nose except the eyes. This was kept on for about 10 minutes, when I beckoned with my hands in token of agony. I could not cry out in consequence of the cloth over my mouth. The pain was very great. I wanted water, but they would not give me any, nor would they allow me to go out to relieve nature. About evening the Vahivatdar ordered that I should be removed to the jail, and added that *if I still held out it would cost me my life;* that I need not expect to be released and go and live with my husband. I then went to jail; but the pain of my nose and mouth was very great. Nothing was done to alleviate the pain. I washed my face and applied some oil.<br>"*5th day.*—Next day I was sent for by the Vahivatdar into a private room of his own where he performs his worship, attached to the kutcherry. I was called upon again to confess—Kuljee was present—and that the same treatment as before would be resorted to. There were present at the time one Nana, a Buneya employed by the Vahivatdar as a writer; Munilal, son of Hurgóvind Desai; a Brahmin named Gayla, of Visnagar, residing in Mywarra; a Choledar, and others. I declined making any confession. The Vahivatdar ordered Kuljee to remove other people and close the door, which was done. The persons above named were in the room. The Vahivatdar took a small stick and beat me with it on my arms and broke one of my bangles, and poked the butt end of it into my breasts. I did not confess, and was ordered to be taken away. Kuljee and Nana Buneya went with me to the jail. While we were going down the steps Nana said that, as I did not still confess, my skin would be stripped off, and he used insolent language to me; he also said that if I bribed him he would get me released. I replied that if violence was still continued I should be forced to commit suicide. Nana laid hold of my neck and squeezed it, when I requested to be killed outright and not by torture, that I could not stand this any longer. Nana then said let a brick be brought and my teeth knocked out. This was not done. I was then taken to jail.<br>"*6th day.*—Next day I was called to the kutcherry, and again called upon to confess, and that I should be released if I mentioned the names of any persons. Under the promise of release and the terror of further torture, I was induced to make a false confession to the effect that I had given some stolen ornaments to Lela and the brother of Chotea Uttaypurra, the boy said to be the companion of my brother Bhoolea. All this was false. I did not mention any other particulars, but I said yes to whatever the Vahivatdar asked. The statement was not read over to me. I was then sent back to |

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| | | the jail. I was then released on bail on the Dewalee day. After this I came here." |
| 42 | Case of H. H. Khunderao's family. In continuation of, and with reference to, No. 38, case of Khunderao's followers. | 1. Jumnabaee, Ranee of the late Khunderao Gaekwar.<br>"As regards the Ranee's claim to Stridhan, the Government decided that the Gaekwar should pay a lakh, and the Government of India even sanctioned the lakh being deducted from the tribute, but by letter No. 8567, of 1873, the Resident was told verbally to recommend the Gaekwar to pay, so as to avoid the Government being obliged to deduct it from the tribute on His Highness' account.<br>"The Resident may now be told that this unsettled matter should not be lost sight of at the present juncture, and that it should be included in the arrangements which may be made in pursuance of the inquiries of the Commission."<br>Bombay Government Resolution, No. 6902, of November 11th, 1873.<br>It will be seen by referring to the correspondence in this case that the Baroda Durbar decline to admit the right of the Ranee Jumnabaee to any Stridhan whatever; *vide* yad, No. 1378, of July 7th, 1872, forwarded to Government, with Resident's letter, No. , of August 14th, 1872. The Bombay Government in their reply, No. $\frac{P}{1\,0}$, of September 21st, remark that they find it impossible to accept the representations of the Durbar on this subject for reasons stated, and earnestly recommend the Maharajah to reconsider his decision.<br>With Colonel Shortt's letter, No. $\frac{0\,0}{1\,2\,1\,2}$, of December 5th, was forwarded a yad from the Durbar, No. 2680, of November 28th, 1872, reiterating the former decision, and stating that they declined to admit any claim for Stridhan on the part of the Ranee Jumnabaee.<br>No further communication has been made to the Durbar in writing since the yad of November 28th has been received.<br>It is clear that nothing further remains but to carry out authoritatively the decision of Government, as expressed in Government Resolution, No. 6902, of November 11th, 1873.<br>2. Anandrao Wiswasrao, *alias* Anashaib Manany, brother of Jumnabaiee Ranee, complains that he has been dispossessed by the present Maharajah of the following Nemnook and other property for which he holds hereditary Sanads from the late Maharajah :—<br>1. Silidaree and Paga allowance, Rs. 42,220 per annum.<br>2. Inam village, Megha Koee, in the Baroda Purgunnah, valued at Rs. 5,396 annually.<br>3. Two private houses in Baroda, valued Rs. 83,644.<br>3. Munjoolabaee, daughter of the late Khunderao Maharajah, complains that she has been deprived by the present Maharajah of—<br>1. Her house in Baroda, which has been given to Kama Sahib.<br>2. Ornaments and other property.<br>3. That no proper provision has been made for her maintenance.<br>4. Khashirao Raje Sirkay, husband of Munjoolabaee (No. 3), complains—<br>1. That his allowance of Rs. 12,000, as fixed by Khunderao, has been reduced to Rs. 8,000.<br>2. That he has been deprived of the silver howdah allotted to him by Khunderao, which has been given to the Minister Nana Sahib.<br>3. That his wife's ornaments and other property might be given back.<br>5. Chimnajee Raje Madik, maternal uncle of Umbabai, wife of the late Khunderao, complains that in con- |

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| | | sequence of his relationship and connection with the late Khunderao, he has been deprived by the present Maharajah of his allowance of Rs. 250 per mensem. Petitioner asserts that he has been in the service of the Gaekwar's family since Siyajee Maharajah's time, for the last 40 years, and is now resident in Udeypur in the Rewa Kanta.<br>6. Amrutrao Gaekwar, *alias* Bapoo Sahib, illegitimate son of Sukoobaee, concubine of the late H. H. Khunderao, complains that he has been deprived by the present Maharajah—<br>1. Of an allowance of Rs. 32,100 fixed for the maintenance of his mother Sukoobai.<br>2. Of a Paga, valued at Rs. 35,901, which has been given to Ellojeerao Mohitay, brother-in-law of H. H. Mulharrao.<br>3. Of ornaments belonging to his mother Sukoobai, valued at three lakhs of rupees, as also other ornaments, &c., valued at Rs. 40,000.<br>4. Of a garden named Hira Bagh, which has been given to the Minister Nana Sahib.<br>5. That he is excluded from the Maharajah's Durbar and Sowaree.<br>7. In addition to the cases above mentioned, petitions have been received from other members of the Gaekwar's family, complaining of reduction and deprivation of allowances on various pretexts. |
| 43 | Case of Gunputrao Gopalrao Gaekwar of Sunkheda. | The following statement was made by Gunputrao Gopalrao before the Resident on the 24th November 1873 :—<br>"I am son of Gopalrao Gaekwar, a descendant of Pillajee Gaekwar's uncle. My father died three years ago. He used to get an allowance of 300 rupees a month; his understanding was deranged. For two years subsequent to his death I drew the same allowance. For the year Sumvut 1929 I have not as yet received any allowance. H. H. Mulharrao gave orders that it should be reduced to Rs. 200 per month; and therefore I objected to receive the reduced allowance. Since the arrival of the Commission, H. H. has given orders that the original allowance of Rs. 300 per mensem should be disbursed. This allowance of Rs. 300 is not sufficient for the maintenance of our family, which is a large one. My house is in a ruinous state, and we are obliged to live in the stables; I pray that H. H. may be moved to have the house repaired. I am not invited to Durbars; for the last 8 or 10 months I have been under surveillance of the police; but recently, by the advice of the Resident, the police have been removed. I was not even allowed to leave my house to go anywhere. The police were not ordered to keep me under surveillance in consequence of any offence of mine. In February last I, my brother Khunderao, my mother, &c. left Baroda to go to Nerbudda, to perform a pilgrimage. At the first stage we received a message from my maternal uncle, Ramrao Bhugwant, that H. H. Mulharrao's men came to my house to inquire where I had gone; and Ramrao suggested that we should immediately return, as otherwise we should be arrested by H. H. on some false charge. The next morning I returned to Baroda, and went up to H. H., and asked him why he had sent men to my house; he replied that I had left Baroda without leave. I pointed out that it was not necessary for me to do so, as such had not been the custom. From that date my house was under surveillance, and I have not had liberty to leave the precincts of my house, even for the purpose of taking the necessary exercise. Moreover, though holding the rank of a Sirdar, I have not been allowed to take part in any of the State festivals or Durbars, and am treated with contempt as if I had committed some crime. My prayer, therefore, is that a suitable |

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| | | allowance according to my rank and position in the State may be accorded to me, and that I may enjoy the freedom which is my right.<br>"My brother Khunderao and I have the following persons dependent upon us: our mother and two step-mothers, our two wives, three children, a step-sister, three children of a step-brother, who is deceased, a maternal aunt, two maternal uncles, one wife, and four children, 10 domestic dependents. We have no horse or other means of conveyance. I and my brother have already commenced the study of English, and we ask for the means of obtaining a proper education. My brother is about 21 years of age. We are in debt to the extent of about 15,000 rupees, contracted during my father's time and since, to defray funeral expenses and my brother's marriage. My father used to visit at the Residency, and the Resident used to arrange his affairs; but we have been prohibited from coming, and pray that this prohibition may be removed."<br>Before me,<br>(Signed) R. PHAYRE,<br>24th November 1873. Resident. |
| 44 | Case of Kassiram Ambaram, of Sidhpur under Putton. | The facts of this case are briefly as follows:—<br>In the year 1869–70 the petitioner, Kassiram Ambaram, purchased from some Pahlunpur merchants a quantity of old coins, which a Kolee Thakurda, named Anda Sundra, of Melod, in the Putton District, had found in his field. This fact having reached the ears of the Durbar officials in Putton, the petitioner, Kassiram Ambaram, was seized, his house was placed under attachment, and his own property, consisting of gold and silver ornaments to the value of Rs. 1,200, and cash to the value of Rs. 648, was taken away. Anda Sundra and his wife were also seized, and both of them were severely flogged, to extort confession from them regarding the disposal of the coins. Petitioner states that both Anda Sundra and his wife were confined, and that they both died in confinement. Their deaths he attributes to the ill-treatment which they received in prison. The petitioner himself states that he was in confinement for nearly a year, and was then released on bail. After being released, the petitioner was requested to pay a sum of Rs. 1,835, on account of the coins purchased by him from Pahlunpur merchants, although he had paid this sum *bonâ fide* for the coins in question, and although his own property, as above stated, had been attached and made away with by the Durbar officials.<br>The facts of this case were brought to the notice of the Durbar by Resident's yad, No. 1880, of August 14th, 1873, forwarding the petition of Kashiram Ambaram.<br>The reply of the Durbar, No. 1882, of September 8th, is as follows:—<br>"With regard to this case, the petitioner having complained to us, the case was sent for from the Vahivatdar, and was being inquired into. In the meantime, owing to the absence of the petitioner, the matter remained undisposed of. The petitioner having now appeared, the case was looked to in his presence, and an order has been sent by the Kamdar to the Vahivatdar of Putton not to cause any obstruction to the petitioner. This is written for your information."<br>This answer being considered unsatisfactory, as affording no explanation whatever of the serious allegations made by the petitioner, a further yad was addressed to the Durbar, No. 2239, of September 22nd, 1873, pointing out that, if the case had been finally disposed of, a gross failure of justice had taken place, and urging that the Fouzdar of Putton, named Nalchund, should be brought to |

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| | | trial for the alleged ill-treatment and violence inflicted on the persons of Anda Sundra and his wife, which is stated to have been the cause of their death, and also for his treatment of the petitioner; and stating that the Vahivatdar of Putton, named Narayen Rugunath, should be also placed on his trial by the Durbar for his alleged share in the transaction related by Kassiram Ambaram.<br>No reply has as yet been received from the Durbar in answer to this representation from the Resident. |
| 45 | Statement of the case of Hubeebullah Moonshee, one of the followers of His Highness Khunderao Maharajah, with reference to his imprisonment and deprivation of property by His Highness the present Gaekwar.<br><br>This and the following few cases record the evidence connected with the personal treatment of H.H. Khunderao's favourite followers not entered in No. 38 above. | The facts of this petitioner's case appear from the following petition:—<br>"I was formerly in the service of the late Maharajah Khunderao; but before and after he ascended the gadee I was his personal attendant, and remained with him for 29 years. I have received from Maharajah Khunderao many favours, and was possessed of personal property amounting to about Rs. 87,000, as shown in the yad which I produce, marked A. The details of the amount are shown in a second statement which I produce, marked B. Besides this personal property, I was possessed of one Inamee village, named Ranolee, valued Rs. 4,000 per annum, given to me by His Highness Khunderao, besides *another village named Lumadra*, which I and my brother *had bought from a certain Bhat named Jeebhai.* The name of this village I changed to Kadurpura. The income of this village was about Rs. 2,200 annually. The Sunnud given me by Khunderao for the village of Ranoli has been taken from me by the Fouzdar, Bulwuntrao Yeshwunt. I produce the original deed of sale for the village of Lumdra or Kadurpura. In addition to the above property I was possessed of several houses of the total value of about Rs. 65,500.<br>"The whole of this property I have been deprived of. I can assign no valid reason for this wholesale deprivation. On the day that His Highness Khunderao died the whole of my personal property was attached, and guards were placed over them. I was not allowed to go out of my house. I was forbidden by His Highness Mulharrao himself to leave my house. I remained in confinement in my house for nine months. During this time no charge whatever was brought against me, but I was brought on one occasion to the Fouzdaree to give evidence in the case of Raojee Master.<br>"After I had been in confinement for nine months, as above stated, I was summoned to the Fouzdaree, and was there charged for having levied an illegal fine in my village of Ranoli. The Fouzdar asked me whether I had levied a fine of Rs. 10 instead of a fine of Rs. 5, according to the provisions of the law. I said that when the fine in question was levied I was in Mecca, but that a fine of Rs. 10 appeared to have been levied. I was then told by Bulwuntrao Yeshwunt that I must go to prison. My clothes were stripped off, ropes were attached to my arms, and I was carried through the streets as a common malefactor. I was not informed by Bulwuntrao Yeshwunt what my sentence was, but was informed by Bhojungrow, the deputy jailer, that my sentence was six months' imprisonment, and he showed me the warrant for the same. When the period of my sentence had expired I used to go constantly to the deputy jailer, and ask him why I was not set at liberty. Bhojungrow informed me that I was not to be set at liberty. I was released from jail finally about 15 days after Bhow Scindia had died in prison. I was taken to the Residency to Colonel Shortt, who asked me whether my name was Moonshee Hubeebulla, and what my sentence was. I replied that my name was Moonshee Hubeebulla. Bulwuntrao Yeshwunt |

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| | | replied that my sentence was six months' imprisonment. Before I was taken to the Resident I was *made to sign a paper that I would not complain,* and *that I would go to the Lady Jumnabaee, wife of His Highness Khunderao.* After I left the Resident I was kept under surveillance for 25 days, and then I went to Ahmedabad, where I have been up to the present time.<br>"During all the period of my imprisonment my family were in confinement, and my wife died of grief at the treatment to which I was subjected. I have been deprived of everything that I had in the world, and am now left destitute. The alleged crime of which I was convicted was committed in my absence. If any crime at all is committed it is of the most trifling nature, but I do not admit that even any crime was committed at all by my servants. During my stay in prison at Baroda I have seen women severely flogged. I have interceded for them. It is a practice to flog women with a cane on their bare backs. I can name women who have been flogged, if requisite." |
| 46 | Case of Chimunrow Luxmon Wagh - | The facts of this case appear from the following statement of the petitioner :—<br>"I was a Khidmutgar in the service of His Highness Khunderao. My family have been employed in the Gaekwar's household. Since the time of Damajee Gaekwar His Highness Khunderao was most kind to me, and showed me many favours. I received from the Maharajah ornaments and other property amounting to about Rs. 51,000, the details of which are shown in the yad accompanying my petition. Fifteen days after the death of Khunderao I was arrested by the present Maharajah's orders. No charge was brought against me that I am aware of; but I was questioned regarding the Ranee Jumnabhaee, and regarding Bhow Khedker, whom I arrested. I was not questioned on any other subject. After this I was kept in imprisonment for about three months, when I was despatched to Gumdi Bajpur. I was kept at Gumdi Bajpur for about two months, and then was kept at Songhud. The climate of Gumdi Bajpur and Songhud is extremely bad. Sentence of imprisonment there is practically a sentence of death. Few prisoners can survive the climate long.* I was afterwards brought back to Baroda Jail. There I have remained up to the month of November 1873, when I was released, on the occasion of the eclipse of the moon, along with 74 other persons. When I returned home a few days ago, I was informed for the first time that I had been charged with an attempt to burn down the Havelee. The falsity of this charge is shown by the fact that I was imprisoned about a month and a half before the alleged burning in the Havelee took place.<br>"I am utterly ruined; all my property has been taken away. I have been thrown into prison for nearly three years without any charge, and without any trial whatever, and pray that I may receive compensation and justice for the loss and injury sustained.<br>"During my stay in prison at Baroda I have seen women severely flogged there. It is a practice to flog them with a cane on their bare backs."<br><br>With reference to the case of this petitioner the following remarks were addressed to the Durbar in yad No. 2374, of October 6th, 1873 :—<br>With regard to Chimunrow Wagh, I have already had some correspondence and conversation with Your Highness, and from what has come to my knowledge I am in duty bound to bring to your notice again the case of this man, and to request that I may be informed of the actual facts of his case, as ordered by Government (referring to para- |

* Complainant's father petitioned the Government regarding him in July 1871, and he was soon after removed to the jail at Baroda.

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| | This agrees with the statement of Chimajee Wagh himself. | graph 4 of Government Resolution No. 3940, of June 30th, 1872)."<br>In the first place he petitioned Government on the 3rd of July 1871, upon which a reference was made by Government to the Resident regarding him. Colonel Barr, in his reply No. 138–785, of July 1871, reported to Government that, from information supplied by the Durbar, Chimajee Wagh had been tried and sentenced of a charge of having been concerned in maliciously setting fire to a store-room attached to the Palace, which was burnt down suddenly, and which might have produced a very extensive conflagration.<br>Colonel Barr does not mention to what period of imprisonment Chimajee Wagh was sentenced, and Your Highness will observe that this was in the month of July 1871. In the following month of August further inquiry appears to have been made by the Resident as to the number of persons convicted of this crime of setting fire to the said store-room, and in reply to these inquiries I have on record in my office an original note of the Sir Fouzdar, Bulwant Yeshwunt, in which he causes a list of the persons implicated in the alleged burning of the store-room in question to be given to the Resident for his information; and in that list the name of Chimajee Wagh *does not appear*. I attach a copy of the Sir Fouzdar's note and the accompanying list, marked I. and II.<br>Thus the evidence is clear on the best authority possible, viz., that of the Sir Fouzdar, that the said Chimajee Wagh was not concerned in the burning of the store-room alluded to. Indeed, I have been informed that the small store-room in question was not burnt down, but that some rubbish only caught fire accidentally, which was extinguished before any mischief was done. Mulharba Shalkee was the man really in charge of the place, and any damage done to the room was from pulling part of it down, and not from fire.<br>The next information on record in this office is nearly a year afterwards, when, in consequence of the number of Khunderao's favourite followers who had been thrown into prison under various pretexts, four of whom had died suddenly, the Resident received the orders of Government contained in paragraph 4 of Government Resolution No. 3940, of June 30th, 1872, and again referred to the Durbar for information as to the number of Khunderao's followers who had been imprisoned and were at that time living. Amongst those named was Chimia Wagh. This man, Colonel Shortt reports in his No. 130–759 of 16th of August 1872, *for the first time*, had been charged with *bribery and an infamous intrigue*.<br>When I asked Your Highness the other day about Chimia Wagh, you did not mention the case of bribery at all, but stated that he had been sentenced to seven years' imprisonment for the other two crimes.<br>In the face, therefore, of all this conflicting evidence, I have arrived at the conclusion that either the Sir Fouzdar has sent in a false report to Government, or that the original offence with which Chimia Wagh was charged was simple bribery. The man has now been in confinement for nearly two years and a half, and I would strongly recommend either that the man be discharged at once, and allowed to proceed to his native country (Deccan), or that the proceedings on all the charges brought against him be produced for the satisfaction of Government. |
| 47 | Case of Goolam Kadur Kureem Oollah. | The following is the statement of the petitioner's case, as made by himself:—<br>"I am the elder brother of Hubbeebulla Moonshee. I was in the service of the late Maharajah Khun- |

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| | | derao for 25 years. When Khunderao died I was Soobha of Naosari, on a salary of Rs. 200 per mensem. I received many favours from the late Maharajah, and hold separate Sanads from him for palkee, Paga, and Inam village. The name of my village is Khanpur, valued at about Rs. 2,400 annually. I was also possessed of personal property to the value of Rs. 72,000, and houses to the value of Rs. 15,500. I also hold a half share with my brother, Moonshee Hubbeebulla, in the village of Lumadra or Kadurpura. The present Maharajah has stripped me of everything that I had in the world. I have been charged with no offence, nor have I been brought to trial. I was kept under surveillance in my house for 17 months, and was not allowed to leave it. When my brother went to Ahmedabad I accompanied him, and have been there up to the present time. My village of Khanpur has been given to one of the Maharajah's followers, named Mookoondrao Mama, who was imprisoned in 1863 for conspiring with Tatia Shastree and others against the life of Khunderao Maharajah." |
| 48 | Case of Yeshwuntrow Succaram Moongekur. | The following is the statement of the petitioner's case, as made by himself:—<br>"I was a private follower of the late Maharajah Khunderao. I have been 25 years in the Gaekwar service. I received many favours from both Gunputrao and Khunderao Maharajahs, and I amassed considerable property, amounting to about Rs. 8,900, the details of which are shown in the vernacular yad accompanying my petition to the Resident. Four days after Khunderao died I was imprisoned, and all my property attached. I was told that there was some paper in my house of a suspicious character. I told my informant to search my house, and my house was searched accordingly. No paper was found. I was kept for six months a prisoner in my house, and was then taken off to prison. Eight or nine of Khunderao's followers were in prison with me about the same time. While I was in prison I was fettered with fetters weighing half a maund. I remained in prison about 2½ years, and have just been released at the recent eclipse of the moon. Up to the present time I have never been tried, nor have any questions been asked me, except with regard to the paper which was suspected to be in my house. I have been deprived of all my property, and am now a ruined man. I pray for justice. During my stay in prison at Baroda I have seen women severely flogged there. It is a practice to flog them with a cane on their bare backs." |
| 49 | Case of Kooshaba Govindrow Jadow | This petitioner states that he came from Deccan to Baroda when very young, and that he has been in the service of the Gaekwar since the time of Syajeerao; and that, at the time of Khunderao's death, he occupied the post of Jemadar of Chatreewallas in the Maharajah's household. Petitioner further states that he was possessed of personal property amounting to about Rs. 72,000, besides houses to the value of Rs. 8,500 and other property, of all of which he has been deprived. He states that he was arrested in connexion with the charge of setting fire to the Havelee, and was cast into prison on declining to make a full confession and implicate innocent persons as he was instigated to do; that no investigation was made, and no witnesses were examined in his presence; that he suffered great hardships in jail, being kept for the first six months in solitary confinement; that he has only recently been released at the Resident's intercession. Petitioner prays that compensation may be awarded to him for the loss and injuries which he has sustained. |

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| 50 | Case of Mahasookram Nursaidass - | The facts of the petitioner's case appear from the following statement of the petitioner made before the Resident :—<br>"I am a British subject and a native of Ahmedabad, but I have long been employed at Baroda, where I practise as a Vakeel. I enjoyed the favour of His Highness Khunderao, by whom I was employed to investigate certain charges against Bulwuntrao Yeshwunt, Fouzdar, Nanajee Yeshwunt, Hariba Dada, and Narayenbhai Laloobhai. His Highness Khunderao imprisoned Bulwuntrao Yeshwunt and Nanajee Yeshwunt, and would have imprisoned Hariba Dada and Narayenbhai had not his death occurred. After Khunderao's death I was arrested and thrown into prison. I was kept in a dark room in the Fouzdaree for six months; during this interval I was called to Hariba Dada's house three times. On the first occasion I was called by Bulwuntrao Yeshwunt, and was desired to sign a paper on a promise of being released. To procure my release I signed the paper; but I was not allowed to read it, nor was I released. On the second occasion another paper was given me to sign by Bulwuntrao Yeshwunt. On looking at the paper I saw that it was a deposition, and I requested that it might be read. Bulwuntrao Yeshwunt refused, and threatened me with torture if I did not sign. Under this compulsion I signed. On the third occasion, also, my signature was taken under similar circumstances. On another occasion my signature was forcibly taken by Narayenbhai Laloobhai. In June 1871, Bulwuntrao Yeshwunt became Fouzdar, and he ordered me to be put in irons and taken to jail. I remained in jail for nearly three and a half months. I have never been tried for any offence, nor questioned by anyone except on the occasions above mentioned. My release was procured in September 1871, my son-in-law Motilal Ruvchund having paid Rs. 15,000. I then went to live in Ahmedabad, and was forbidden to go to Baroda. Owing to my imprisonment, and to the subsequent prohibition against my entering Baroda, I have suffered very serious loss. I have been imprisoned without any charge whatever, through the enmity of the four following members of the Durbar :—<br>Bulwuntrao Yeshwunt.<br>Nanajee Yeshwunt.<br>Hariba Dada.<br>Narayenbhai.<br>"I claim from the Durbar compensation as follows :—<br>"Rs. 15,000, the sum paid for my release by my son-in-law; Rs. 5,000, for false imprisonment and other injury; Rs. 20,000, for outstanding debts unrecovered in consequence of my expulsion from Baroda; personal property confiscated by the Durbar, Rs. 5,000." |
| 51 | Case of Luxmibai, widow of the late Mulharba Shelkee. | The statement of the petitioner is as follows :—<br>"My late husband was a confidential servant of the late Maharajah Khunderao. He was possessed of considerable property, amounting to Rs. 126,000, including immoveable property and one Inam village, as per list annexed. He had been in the service of the Gaekwar in a confidential position for upwards of 40 years. About a month after Khunderao died, my husband was arrested in connexion with an alleged attempt to burn down the Havelee. When my husband was imprisoned an attachment was placed on the house, and I was not allowed to leave it. About one month after I was so confined all my husband's property was taken away, and I was left without anything except a few maunds of grain. Five months subsequently I was turned out of my house, which is given to Damodur Punth. |

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| | | He is now in possession of my house. About nine months after my husband was imprisoned, a sepoy came to me and told me that my husband was dead, and that I was to come and take my husband's body away. I followed the sepoy, and found the body just outside the jail. I asked no questions, but took the body away. The colour of the body was changed, and there was a most offensive smell. From the change of colour and from the offensive smell, both I and all my relations believed that death had not occurred from natural causes. Since my husband's death I am left utterly destitute. I have no means of support. I pray that justice may be done to me for my husband's wrongful imprisonment, and that my husband's property may be restored to me." |
| 52 | Case of Bhagirathee, wife of the late Gunoo Wagh. | The statement of the petitioner is as follows :—<br>"My husband was a confidential servant of the late Maharajah Khunderao. He served about 30 years in the service of the Gaekwar, and was possessed of considerable property, amounting to about Rs. 3,54,000, including immovable property and one Inam village. All this property was amassed during the reigns of Gunputrao and Khunderao Gaekwars. My husband was arrested in connexion with an alleged attempt to burn down the Havèlee. When my husband was imprisoned an attachment was placed on the house and I was not allowed to leave it. A fortnight after I was imprisoned all my property was taken away, and I was left utterly destitute. About four months after my husband had been thrown into prison I received notice from a sepoy that my husband had died at Raopura Chabutra. I went there with about 25 relations to take away my husband's body. I noticed that the colour of the body was changed in an unnatural way. I have no reasonable doubt from the appearance of the body that my husband did not die from natural causes. I and my relations took away my husband's body; we were accompanied by sepoys. I am utterly destitute, and I pray that justice may be done to me, and that my husband's property be restored to me. My house, valued at Rs. 15,000, has been given to one Sekhjee, a favourite of the present Maharajah. My garden valued at Rs. 75,000, has been given to Balwuntrao, Yeshwant, Fouzdar, and is now in his possession." |
| 53 | Case of Parvatibai and Gungabai, widows of the late Bhow Scindia.<br>Himmetlall Kaleedass, the Mooneem of Gopalrao Myral, and the present head of the firm, Yeshvantrao Gopal, will be able to state what has become of this money. | The case of these petitioners appears from the statement made by Parvatibai:—<br>"Shortly after the death of the late Maharajah Khunderao, my husband, Bhow Scindia, was arrested and placed in confinement; an attachment was placed on his house, and all my jewels and personal property were attached at the same time. I and Gungabai were kept in strict confinement, first at our own house, and then at Omkareshwur Temple; a guard was placed at the door, and no one but my own people were allowed to approach me, nor was I allowed to speak to anyone else. I and Gungabai were kept in confinement in this way for 21 months, viz., from November 1870 to August 1872.<br>"My personal property or stridhun which I received from my late husband and from Maharajah Khunderao exceeded two lakhs of rupees. The whole of my stridhun has been taken away from me, together with my late husband's effects. The same thing has happened to Gungabai. I have committed no fault whatever that I should thus suffer forfeiture. With the exception of our Inam village, Devurgam, in Nasik, everything that I had has been taken from me. A suit has been filed against me in the Nasik Civil Court by Haree Bhugtee for this remaining property. I remember coming up to the Resident in the month of August 1872. I was accompanied to |

| No. | Complaints of Baroda Subjects. | Remarks. |
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| | | the Residency by a Government Karkoon. At the Residency I met Balwuntrao Yeshwunt, Fouzdar. The Fouzdar told us what to say when the Saheb should question us. The Fouzdar said, unless I said this I should get into trouble. I was afraid from what the Fouzdar said. I therefore concealed from the Saheb the imprisonment and hardship to which I had been subjected with Gungabai. After seeing the Saheb we were allowed to depart; and I and Gungabai went by rail to Bombay. In Bombay I asked Gopalrao Myral's Bombay manager regarding a sum of rupees one lakh, which have been deposited in my name by Bhow Scindia in Gopalrao Myral's banking house in Bombay. I was verbally informed by Gopalrao Myral's Mooneem in Bombay that I could not get a pie of this money.<br>"I and Gungabai are left destitute with the exception of our Inam village at Nasik. Of this village the Durbar is trying to dispossess us by causing suits to be filed against us. I pray that our stridhun may be restored to us according to Hindoo law, and that justice may be done." |
| 54 | Case of Meroo Gudoo, Jeysing Jaro, and Futteysing Bhajee, of the Kolee caste, orderlies of the late Maharajah Khunderao. | The petitioners have made the following statement of their case:—<br>"We were followers of the late Maharajah Khunderao, and were employed as orderlies in his personal service, on salaries of Rs. 9 per mensem. We have served for three months with the present Maharajah. We were dismissed from our employment under the following circumstances:—About three months after the late Maharajah died, we were sent for by Bapoo Saheb and Sudasew, Karkoon of Venkutrao Master, and were summoned to the Fouzdaree. Bulwuntrao Yeshwunt was then Fouzdar, but he asked us no questions; he told us to go to Sudasew. Dowlutram, Fouzdaree Karkoon, was with Sudasew, and these two persons questioned us regarding an alleged conspiracy against the life of the present Maharajah by Bhow Scindia, Moonshee Hubeeboola, and Jumnabae Ranee. We were told that if we would confess that we were instigated by these three persons to attempt the life of the Maharajah we should receive no harm whatever, and should receive Rs. 500 apiece. We all three replied that we knew nothing about the matter and would not say what they desired. We were kept in the Fouzdaree in imprisonment for about two months, and were questioned at intervals, and a confession was attempted to be extorted from us. As we refused to give the required confession we were sent from the Fouzdaree, and were placed in three separate police guards. We were each of us fined Rs. 500. These fines we have each of us paid. We have since been left destitute, and have lost our employment in the Government service. We were old servants of the State, and pray that we may be reinstated, and that our fines may be remitted us, as we have committed no fault." |
| 55 | Case of Gunputrao bin Gungajee Goojur - | The following statement has been made by the petitioner:—<br>"I have been in the Gaekwar's service for 30 years. Soon after the late Maharajah Khunderao's death I was imprisoned with several others on a charge of setting fire to the Havelee. The charge is utterly false. I was arrested at night-time, and the next morning sent off to jail and heavily ironed. The same day Jossood Sugujee, Patel's son, came to me and said that if I gave evidence charging Mulharba Shelkee, Gunnoo Wagh, and Kooshaba Chutrivalla with the offence of setting fire to the Havelee I should be released. I refused to make such a false admission. Two days subsequently, Narayenrao Monghay, Fouzdar, came to the jail and desired me to make an admission as above. On my refusing to do so, the Fouzdar replied that I would have to remain in |

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| | | prison till my death. A week subsequently, Dowlutram, Fouzdaree Karkoon, again came to jail and again attempted to extort an admission from me as above, but without success. No trial took place, and no proceedings were recorded in my presence. I have been confined for nearly three years, and was only released on the occasion of the last eclipse of the moon.<br>"This persecution was the result of enmity on the part of His Highness the present Maharajah. I pray that justice may be done in my case, and compensation awarded to me for false imprisonment." |
| 56 | Case of subordinate followers of the late His Highness Khunderao.<br><br>In continuation of and with reference to Case No. 38, Schedule II., Khunderao's followers.<br>In submitting to the notice of the Commission the petitions of 67 subordinate followers of the late Maharajah Khunderao, complaining of wholesale deprivation of allowances and loss of service, the Resident deems it right to state that it is the policy and good faith rather than the legality of the measure which he calls in question. Such wholesale deprivation of old servants on the occasion of a new Chief is unprecedented in Baroda, and when taken with the systematic imprisonment and spoliation of the more prominent followers of the late Maharajah, the treatment of the subordinate followers appears to exhibit a mere picture of heartless persecution and wanton abuse of authority. | 1. Venayekrao Narrayen Kolkur, of Baroda, complains that he has been deprived of his private house, valued at Rs. 20,166, and that his allowances to the extent of Rs. 11,060 have been stopped.<br>2. Vittojee Krishnajee Kaley complains that he has been deprived of his private house and allowance of Rs. 150; states that he is an old servant of the Gaekwar, having been employed since the time of Siyajee Maharajah.<br>3. Godajee Bhao complains that he has been deprived of his house, which he built out of his own private means in the time of Gunputrao Maharajah, and that his allowance of Rs. 4,200 has been stopped, although he has been in the Gaekwar's service since the time of Siyajee Maharajah.<br>4. Deoba Raojee complains that he has been deprived of his private house, which has been given to Gopalrao Jupay, brother-in-law of Bulwuntrao Rahoorkur, the late Deputy Minister.<br>5. Ramajee Deoba complains through his wife, Luxmee, that he has been deprived of his house, valued Rs. 4,000, and of other property.<br>6. Dajee Pandoorung, } Complain of loss of<br>7. Madhowrao Jeyram, } personal allowances.<br>8. Bhao Shivajee complains that besides being deprived of an allowance of Rs. 150, he has been prohibited from leaving Baroda.<br>9. Chimnajee Rajey, of Mahadik, complains through his daughter, Punnoobai, that he has been obliged to leave Baroda, and has been deprived of an allowance of Rs. 200 a month.<br>10. Gunputrow Govindrow Survey, } Complain of loss of personal allowances, and state they are under restraint, and are forbidden to leave Baroda.<br>11. Amrutrow Bhow,<br>12. Hemudkhan Hooseinkhan,<br>13. Mukrootrow Vittojee Kalay,<br>14. Bulwuntrow Balakrow Bhouslay,<br>15. Kashinath Ambadass Bawa, } All of these persons complain of reduction or loss of allowances.<br>16. Momedun Subas Khan,<br>17. Gungajeerow Gaekwar,<br>18. Raojee Tatiaba Survey,<br>19. Ramjee Gaekwar,<br>20. Tatyajee Moreshwur,<br>21. Gopalrao Luximun,<br>22. Ramchunder Narayen Joshee,<br>23. Sukharam Shunkur,<br>24. Trimbukrow Bulwunt,<br>25. Nana Thakoley,<br>26. Khundwa Scindhay,<br>27. Ramchunder Gunglay,<br>28. Madba Wunjlay,<br>29. Ramchunder Baplay,<br>30. Patel Kaley,<br>31. Rajaram Powar,<br>32. Hunmuntrow Rowdaley,<br>33. Gunoo Shirkay.<br>34. Gowrajee Juglay, |

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| | | 35. Huriba Cowley,<br>36. Mulba Chindul,<br>37. Janba Phatlay,<br>38. Gunoo Bakreeawlay,<br>39. Narayen Survey,<br>40. Deoba,<br>41. Hurree Bhow,<br>42. Gunoo Amtya,<br>43. Trimbuk Vunjara,<br>44. Rada Zawunday,<br>45. Gunput Guvarya,<br>46. Bala Gaekwar,<br>47. Tookaram Sindhay,<br>48. Sheik Bapoo,<br>49. Kissundass Boowa,<br>50. Sheik Hoossein,<br>51. Kesoo Sablya,<br>52. Madba Sukey,<br>53. Govind Sowban,<br>54. Govinda Fatalya,<br>55. Hurree Bharoochee,<br>56. Ananda Gurow,<br>57. Ittoba Limbajee,<br>58. Deoba Bindawala,<br>59. Bapoojee Narrayen Joshee,<br>60. Wamanrow Narrayen Joshee,<br>61. Krishnajee Junardhun,<br>62. Gopalrow Narrayen Joshee,<br>63. Gunputrow Raje Mahadik,<br>64. Hunmuntrow Doobal,<br>65. Shitaram Pandoorung,<br>66. Ramchandra Narayen,<br>67. Narayen Gopalrow Damalay, — These petitioners, who are Jassoods and Khitmutgars of the late Gaekwar, complain of deprivation of allowances and of loss of service for no fault whatever. Complain of loss of personal allowances under the present Gaekwar. |
| 57 | Case of Chunilall Bapoobhai, of Baroda - | The following statement has been made by the petitioner :—<br>"I held a village in Inam, called Rujapur, of the value of Rs. 1,200 annually. The original Sanad for the grant is in possession of Hurree Bhugtee, to whose family I belong. The village was granted by the Peishwa's Government.<br>"I enjoyed the village till $\frac{\text{Sumvut 1929}}{\text{A. D. 1872-73}}$, when it was attached by His Highness Mulharrao. The pretext for examining the accounts was put forward as the reason for attaching the village. My accounts have never been examined previously, nor do I know why they want to examine the accounts now. I believe the attachment to have been imposed merely to get hold of my property. I have never been asked to produce my title-deeds, nor is there any dispute about my title. It is not customary for the Inamdars to pay Inam commission or other fee to the Durbar.<br>"Mine is not an isolated case. The same thing, viz., attachment of Inam village, has been done to the following bankers within my personal knowledge :—<br>"Hurree Bhugtee, Ruttunjee Khandass, Samul Bechur, Nursee Premanund Kooshalchund Ambaidass, Lallbhai Hurjeevun Lulloo Mungul.<br>"I pray that my Inam village may be restored to me." |
| 58 | Case of Bapoobhai Hurrivallub, representative of the firm of Ruttonjee Khandass, of Baroda. | Petitioner complains that his Inam village, Gamdi, has been attached by the present Maharajah. The village was granted by His Highness Siyajeerao Maharajah in $\frac{\text{Sumvut 1888}}{\text{A.D. 1811-12}}$ as hereditary Inam by sunnud. He also complains that his palkee and other personal allowances for which he holds Sanads have also been stopped by the present Government without any cause. |

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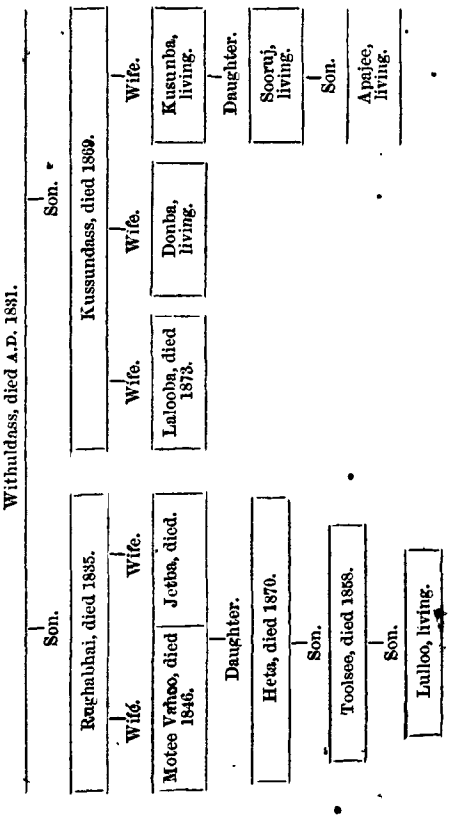
| 59 | Case of Madhowrao bin Godhajee, Patel of Baroda. | The following statement has been made by the petitioner :—<br>"My father got an Inam village (Maletha) from His Highness Khunderao in $\frac{\text{Sumvut 1918}}{\text{A. D. 1861-62}}$. I hold a sunnud for it. The grant is hereditary. My father died two years subsequently, *i.e.* in Sumvut 1920. I continued to enjoy the village till $\frac{\text{Sumvut 1928}}{\text{A. D. 1871-72}}$, when it was resumed by His Highness Mulharrao and given to Govindrow Mama.<br>"A palkee allowance of Rs. 600 annually was also granted to my father by His Highness Khunderao in $\frac{\text{Sumvut 1919}}{\text{A. D. 1862-63}}$. I enjoyed this allowance till Sumvut 1928, when it was stopped by His Highness Mulharrao. This grant was also an hereditary one. |
| 60 | Case of Nurseebhai Runchadbhai, of Neriad, on behalf of the widows and daughter of the late Kussundass Withuldass, of Bakrole in Petlad.<br>This case illustrates the mode in which the ordinary provisions of Hindoo law are disregarded by the present administration and inheritances sold to the highest bidder.<br>The petitioners are highly respectable persons, and the present heirs of the deceased Kussundass, viz., his widows, are left utterly destitute, even their stridhun having been seized with the inheritance. | The petitioner's case is stated by himself as follows :—One Kussundass Vittuldass died in 1869 possessed of very considerable property, amounting to upwards of five lakhs of rupees. Kussundass left three widows, who are his sole heirs. Of these three widows one only, Kussundass, had issue, a daughter named Suraj. This daughter is alleged to be the reversionary heir to the estate of the deceased Kussundass, and the petitioner, who is her husband, claims on behalf of herself and an infant son, Apajee. Kussundass had an elder brother named Rugabhai, who died 38 years ago, leaving two widows and a daughter. On the death of Rughabhai without male issue, Kussundass became sole heir, the property in question being alleged to be an ordinary undivided property, and the descendants of Rughabhai's daughter, Heta, possessed no claim to any share in the inheritance. On the death of Kussundass in 1869, one Lulloo, grandson of Hetal, petitioned the Durbar that the property in question was heirless property, although at the time Kussundass had three widows and a daughter living, the daughter in question being the wife of the present petitioner.<br>The petitioner alleges that his son Apajee, the grandson of Kussundass, was formally recognised by the present Government as heir to the estate, and that the usual dress of honour was sent to him on the completion of Kussundass' funeral ceremonies. He also states that he was forcibly compelled to pay a Nazarana of Rs. 15,000 in order to procure the formal recognition of Government. This Nazarana was subsequently refunded to petitioner, and a Nazarana of 40,000 was accepted by the present Government from his opponent, Lulloo Toolshee, who was placed in possession of the property, and was recognised by the Government as heir to the estate of the deceased Kussundass. This decision of Government is alleged to be in direct contravention of the ordinary law prevailing in the Gaekwar's dominions, and to the result of corrupt influence on the part of the highest officials in the State.<br>Petitioner prays that his valuable estate may be restored to him, and that he may be declared the lawful heir to the estate of the deceased Kussundass. |
| 61 | Case of Lowjee Oomed, Goomasta of Choonilall Dulcharam, banker of Ahmedabad, Baroda, and elsewhere.<br>This case affords another instance of a banker having been ruined through the private enmity of the chief criminal authorities. It will be observed that the petitioner alleges that a false statement was extorted from him under pressure, and that it was followed by imprisonment and heavy fine, no offence whatever having been charged against | The following statement has been made by the petitioner :—<br>"I am Goomasta of the firm of Choonilall Dulcharam, banker. Choonilall has firms in Baroda, Ahmedabad, Visnagar, Pahlunpur, Patun, Bombay, and Dhollera. Choonilall is on bad terms with Bulwuntrao Yeshwunt, the present Sir Fcuzdar of Police. I am in charge of Choonilall's firm in Baroda. An attachment was placed on my firm by Bulwuntrao Yeshwunt in January 1871, and all our papers, &c. were removed to Bulwuntrao Yeshwunt's private house. When His Highness Khunderao died in November 1870, Bulwuntrao |



| No. | Complaints of Baroda Subjects. | Remarks. |
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| | him, and no proceedings having been recorded. | Yeshwunt was a prisoner in his own house by Khunderao's orders. Narayenrao Babajee was then Fouzdar, and Bulwuntrao Yeshwunt had no criminal jurisdiction as Fouzdar. I do not know by what authority he attached my firm. This attachment was placed on my firm on account of a certain sum of Rs. 5,000 which I was said to have received on behalf of one Prema Itcha. I had not received this sum, nor was there any entry in my accounts of this sum having been received. Bulwuntrao Yeshwunt told me to confess that the amount in question had been received by me from Bhow Scindia. I refused to do so. I was then urged to confess that the amount in question had been offered to me by Bhow Scindia. I refused to confess, as it was false. I was then forced by Bulwuntrao Yeshwunt to sign a statement to the above effect under threats of being sent to jail. Under this compulsion I signed. Another statement was also exacted from me under similar compulsion. This took place about one or two months after Khunderao's death. The attachment was maintained over my shop, and I was kept under surveillance for about nine months, not being allowed to leave my house. Five months after I had been placed in confinement I was ordered by Bulwuntrao Yeshwunt, who had been made Fouzdar in the interim, to pay a fine of Rs. 15,000. This fine was not paid. An attachment was therefore placed on the firm in Visnagar in order to realise this amount. The debtors of my firm were summoned by the Fouzdar and were forbidden by him to pay their debts to my firm. Chitties were taken from my debtors that they would not pay their debts to me without the Sirkar's orders. In this manner I had been deprived of money due to me to the amount of Rs. 17,000. This amount is still outstanding. From the treatment to which I have been subjected the business of my firm has been stopped in Baroda, and I have suffered great loss thereby.<br>"The attachment placed over my firm in Visnagar was removed in July 1871, shortly after I had caused a petition to be made to the British Government. Subsequently, in the month of September, the attachment was removed from my firm in Baroda, but security was taken from me to report myself to the Fouzdar before leaving Baroda. I produced as my security one Mahasookh Tribhovun, of Baroda, who stood security for me in the sum of Rs. 15,000, the amount of my original fine. The security bond signed by Mahasookh Tribhovun is still in force, and I am unable to leave Baroda without the Fouzdar's permission. I have committed no fault. I do not intend to pay the fine illegally inflicted on me by Bulwuntrao Yeshwunt.<br>"I pray that I may receive compensation for the injuries inflicted on me through the private enmity of Bulwuntrao Yeshwunt; 2nd, that the order for the illegal fine of Rs. 15,000 may be cancelled, together with the illegal bond exacted from Mahasookh Tribhovun ; 3rd, that the illegal restraint practised on me and on my firm in Baroda may be removed, and that I may pursue my business in peace."<br>This case was brought to the notice of the Durbar in yad No. 2567, dated 28th October 1873. No reply has been received to this yad. |
| 62 | Case of Chunilall Pitamburbhai, banker of Baroda.<br>Compare with the case of Huree Bhugtee, No. 37 of this Schedule. | The following is the statement of the petitioner's case as made by himself:—<br>"My father was Moonim of Hurree Bugtee's firm ; so was my grandfather. My father died three years ago. For one year I was Moonim of Hureé Bugtee.<br>"In $\frac{\text{Sumvut } 1922}{\text{A.D. } 1865\text{-}66}$ His Highness Mulharrao borrowed from my father Rs. 1,281-4-0 through his Jamda, Luxmonrao. His Highness sent a chit |

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| | | for this loan, which was in our possession. A gold watch was pledged by His Highness for the loan.<br>" On His Highness' succession to the throne, His Highness sent Jasood to my house, and sent for the watch and the note above referred to. I took them to him. They were taken from me, and His Highness said that one Raojee Athwalya would settle my account.<br>" I went to Raojee, but he said that I would not get back my money. I then spoke to His Highness, who told me not to go to him, but to Raojee. Raojee refused payment, and orders were given by His Highness not to allow me to go to him.<br>" In consequence of this *our hereditary allowances and Inam villages have been resumed, viz.*—<br>" Torch allowance, Rs. 72 per annum, granted in Anundrrao Gaekwar's time.<br>" Palanquin allowance, Rs. 700 per annum, re-granted in Syajeerao's time, Sumvut 1890 (A.D. 1833–34).<br>" Inam village named Fazulpur, valued about Rs. 2,000, granted in His Highness Khunderao's time.<br>" I hold Sanads for all these. I pray that my allowance and Inam village may be restored to me, and the amount due to me by His Highness Mulharrao may be ordered to be paid to me." |
| 63 | Case of Deenshaw Darasha, Parsee, of Surat, on behalf of the heirs of the late Maneckbai, daughter of Muncherjee, Ghudecalee. | The petitioner's case appears from the following statement :—<br>" An ancestor of mine, named Bomunjee Muncherjee, purchased certain " vujifas," or Inam holdings in the Kamrej, Bulesur, Tiiladi, and Vussrani Mahals of the Naosari Purgunnah, in the year $\frac{\text{Sumvut 1860}}{\text{A.D. 1803-4}}$. These vujifas are not Wuttun or service lands, but common alienated property. The purchase was confirmed by Sanad of Anundrao Gaekwar, dated Shravun Shood 14th, Sumvut 1866. I produce the original Sanad of confirmation. The present annual income from these vujifas is about Rs. 6,000, representing at 20 years' purchase a value of Rs. 1,20,000. Bomunjee died in 1835, leaving no lineal descendants, after having mortgaged the whole property to Gopalrao Myral for Rs. 12,977. Bomunjee's brother, Sorabjee, succeeded him, in virtue of a deed passed by Bomunjee's widow, Kooverbai, the original of which I produce. Sorabjee was entitled to succeed to the property as heir-in-law on Kooverbai's decease. Sorabjee was formally recognised by the Baroda Government and received a Poshak. Sorabjee managed the property for about 15 years, and subsequently transferred the whole of his interest in the said property to his own sister, Maneckbai. The original deed of transfer I produce, dated November 5th, 1850.<br>" Under the terms of the original mortgage bond made between Bomunjee and Gopalrao Myral, the management was to remain with the mortgagor, and the mortgagee was to receive annually a fixed sum. When the attachment was imposed in $\frac{\text{Sumvut 1916}}{\text{A.D. 1859-60}}$ a balance of about Rs. 8,000 was due to Gopalrao Myral under the said bond. From the year 1850 to 1858 Maneckbai managed the property in virtue of the deed of transfer made to her by Sorabjee. On the death of Maneckbai, 1858, the management passed into the hands of Maneckbai's children, who retained it for two years, viz., to 1860, when an attachment was imposed by the Durbar on the pretext that Bomunjee died leaving no blood descendants. Although Bomunjee left no descendants, he left one brother and one sister, both of whom are entitled to inherit.<br>" From the time that the property was attached in 1860, the management has remained in the hands of Government. The income of this land was placed in deposit with Hurree Bhugtee from the |

Genealogical Table.

Muncherjee.

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| Bomunjee, O. S. P., leaving widow. | Sorabjee, O. S. P., having adopted Rustomjee. | Kursetjee. | Maneckbai. | |
| | | Pestonjee. | Sorabshaw, died leaving issue. | Jerbai. | Muthibai, still leaving. |
| Cooverbai. | | Rustomjee. | | Sonabai. | |
| | | | | Dinshaw and others. | |

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| | | year 1860 to 1869 inclusive. In 1869 the whole of the land under attachment was confiscated on the same pretext as that for which the land was originally attached. From 1860 to 1869 the case remained undecided. The order for confiscation was passed when Bulwuntrao Yeshwunt was Sooba of Nowsari. I pray that the property may be at once released from the attachment, and the proceeds placed in deposit with Hurree Bhugtee be paid over to us at once, together with any subsequent realisations." |
| 64 | Question of prison reform in the Baroda State, including the several prisons in the city of Baroda and in the districts. | Referring to the alleged practice of flogging women in the Baroda jail, as stated in the evidence recorded under No. 45 of this Schedule, the Resident has the honour to bring the subject under the notice of the Commission separately, with a view to the Durbar being requested to state whether the practice exists or not, and what measures they propose to adopt regarding it The Resident spoke to the Durbar regarding the practice some time ago, and the Sir Fouzdar, Bulwuntrao Yeshwunt, promised that if it existed it should be stopped. The practice can be proved by the reliable testimony of men who have been thrown into prison for no other crime than that they were favourite followers and dependants of His Highness the late Maharajah Khunderao —men who have lost all their property thereby, but not their characters as faithful servants of the Baroda State, dating in some cases from the time of His Highness Syajeerao. Other evidence, however, can be produced if requisite.<br>That the practice of flogging females exists in the districts appeared in the Visnagar and Putan torture cases. In the latter, as originally brought to the notice of the Durbar by the Resident, two women were stated to have been flogged by the authorities in public Kutcherry under disgusting circumstances for the mere purpose of extorting confession from them. These women, although sent for through the medium of the Durbar, were not brought to Baroda, and consequently did not appear before the Commission.<br>The Resident's sole object in bringing forward this subject is the thorough reform of Baroda jails, which from the evidence already recorded is, it is submitted, a matter of absolute necessity in the interests of humanity.<br>The questions of jail register books, subsistence money, &c., and occasional jail visiting by the Resident and the Residency Surgeon, should, it is submitted, be again resorted to as formerly practised. |
| 65 | Petition from about 100 respectable ryots of the Naosari district, dated 7th November 1873, complaining of obstruction on the part of the Gaekwar Government to their appearing before the Commission now sitting at Baroda to state their grievances.<br>*Signatures of Petitioners.*<br>1. Ebrahimbhai Mushabhai.<br>2. Mumroojee Joowa.<br>3. Oosun Asunjee.<br>4. Sha Javer Motichund.<br>5. Kassidass Vurundavun.<br>6. Duyaram Bhugvandass.<br>7. Bhutta Sheramdass.<br>8. Vurundavun Hurribhai.<br>9. Sheeramjee.<br>10. Kasunjee Majoo, of Kuttore.<br>11. Gekaham Oomer, of Kuttore.<br>12. Mulek Hasun Amed, of Kuttore.<br>13. Mnujee Peerbhoy, of Kuttore.<br>14. Moosein Mumdoo Moola, of Kuttore.<br>15. Hurgovind Dhurumdass.<br>16. Gungaram Belvuttee, of Kuttore.<br>17. Roopa Rukicar.<br>18. Daba Sewram.<br>19. Shunkur Lulloo.<br>20. Shumbhoo Roodurjee.<br>21. Muckun Ankla.<br>22. Govind Ambaidass.<br>23. Khooshal Dayjee.<br>24. Dadewa Dyal, of Gaummeri.<br>25. Godul Kunthud.<br>26. Darujee Ismaljee.<br>27. Shemat Ansadjee, of Ghulla.<br>28. Mera Narunjee.<br>29. Govind Lalla.<br>30. Haribhai Raghunath.<br>31. Govind Bechur.<br>32. Morar Kulian.<br>33. Ambaidass Gordhun.<br>34. Kessow Narayen.<br>35. Fukeera Bhikha.<br>36. Madhowdass.<br>37. Doolubh Vussun.<br>38. Koober Ramjee.<br>39. Lalla Gopal. | Complain that they are in miserable circumstances owing to the oppression of the Gaekwar Government and their Kamdars, the Sooba of Nowsari, and Karbharees Gobind Neecha and Daba Govind, through terror of whom they cannot come forward. That these Kamdars have been in the district since Sumvut 1919. That on one occasion some of the ryots went to Baroda and complained to the Durbar, but that, owing to the influence of these men over Hariba Gaekwar and others in power, they obtained no redress.<br>They state that they wish to appear before the Commission, but that owing to the following causes they are unable to come, and pray that the way may be opened for them. They state that the appointments of Vahivatdars, Fouzdars, and first Karkoons of the Naosari district are filled up by the relations and friends of Durbar officials, who now prevent them from coming to Baroda to appear before the Commission.<br>The following persons are cited as exercising the coercive influence expressed :—<br>'1st.—In Gundevi, the Deputy Sir Sooba, Nara- |

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40. Hurka Kursun, of Shampuri.
41. Patel Dajee Natha, of Tursadi.
42. Kasha Ausmaljee, of Hathorun.
43. Nahonanatha Ghellabhai Vishvonath, of Barusura.
44. Peerbhy Kaloo, of Hathura.
45. Dajee Bhaijee, of Kuntwa.
46. Jesa Raisung, of Lisada.
47. Aumeen, of Loowara.
48. Ansmanjee Karra, of Mogram.
49. Kanjee Mannoo, of Shiaud.
50. Shambhai, of Shaya.
51. Gopal Kolee.
52. Bhekha Jeyram.
53. Bhekha Dajee.
54. Aumboram Nursee.
55. Hurka Koobrjee.
56. Ooka Jevun.
57. Gunesh Guman.
58. Moosha Sulleman.
59. Oomed Govind, of Dhandode.
60. Duyaljee Lulloo, of Nundas.
61. Patel Merjees, of Shava.
62. Lukmunjee Mola, of Sheemodra.
63. Jeevun Nuthoo, of Gijram.
64. Gunput Nuthoo, of Amundra.
65. Aurjeolal, of Vurrocha.
66. Kosadia Damjee.
67. Heera Dajee.
68. Mamshee, of Veshma.
69. Narrunjee Lalla.
70. Patel Narun.
71. Bechur Govind.
72. Patel Khooshal.
73. Deewajee Bhugtee.
74. Anbheram Ausunmoosa and Japhur Khown, &c., of Gaum Sitrek.
75. Mahana Naran and Purshotum Govind.
76. Ishajee Anshumjee.
77. Patel Hurka Ooka.
78. Umtha Pursotun.
79. Kooberjee Morar.
80. Patel Hurka Heera.
81. Dewa Purron.
82. Lulloo Gopal, Gokurmadha Lalpurjee, &c., of Gaumpadee Purgunna, Tighadi.
83. Lalla Heera, &c., of Rajodra.
84. Patel Khooshallal, of Gungapur Purgunna, Ballesur.
85. Vithul Purbhoodass.
86. Rugha Hurree.
87. Bhugvan.
88. Narun Madhow.
89. Jeyram Rasa.
90. Bhica Lawa.
91. Ooka Ruga.
92. Bhaga Keeka.
93. Mewa Lakha.
94. Hurkha Bhugga.
95. Runchore Jeevun.
96. Runchore Bhica.
97. Nana Hurka.
98. Khooshal Heera.
99. Bhowan Gossai.
100. Hoolnur Runchore.
101. Lerkha Dooja.
102. Decora Khooshal.
103. Jeevun Khukhoo.
104. Purboo Runchore.
105. Vussooma.
106. Morar Narjee.
107. Pusla Khooshal.
108. Nursul Aumbaidass.
109. Malla Ruttunjee.
110. Runchore Naran.

Mr. Hope's letter—

To the effect that certain persons have been persecuted by the district officials in Naosari, because *they gave evidence* before the Commission of Inquiry now sitting at Baroda.

1. Natha Dwarka.
2. Dya Purbhoo.
3. Becheer Nagjee.
4. Runchore Rughnath.
5. Mawa Huribhai.
6. Lukko Kullian.
7. Rugga Laulla.
8. Lukko Rughonath.
9. Govind Kullion.
10. Buggo Koobay.
11. Kullian Jugdash.
12. Motee Ugra.
13. Mawa Lalla.
14. Wunmalee Juga.
15. Fukeer Bana.

yenbha Lalloobhai's father-in-law, is the Wywutdar.

2nd.—In Tailari, the son of the present sooba, Narayenrao Rughonath, a boy of eight years old, is the Vahivatdar. Lullo Lalla manages for him and commits oppression.

3rd. — In Balesur Purgunna, the Minister's younger brother is Vahivatdar. The manager is Mukunjee, the son of Govind Neecha. Commits acts of oppression.

4th.—In Timba Purgunna, Manajee Gopal is Vahivatdar on behalf of Govind Neecha, who farms it. Mana Govind manages the business. It is not customary to administer a farmed district by Khalsa Vahivat.

5th.—In tke Kamrij Purgunna, Andurjee Lukkoo purchased the Vahivat about four or five months ago.

6th.—In Ghulla Purgunna, the people fear to come forward, because the Vahivatdar is brother to Daba Govindjee, and because the first Karkoon, Wora Davodjee Jewa, bribes certain high officials at Baroda.

7th.—In Vusrani, the Vahivatdar is good, but the first Karkoon, Fouzdar, &c., are the creatures of the revenue Sir Sooba at Baroda.

8th.—In Mahowa Purgunna, a relation of Govindroo Mama, a member of the Durbar, has become Vahivatdar. He has never done Vahivatdar's work.

9th.—The Antapur Bisumpur Mahals were farmed by Daba Govind; that has been changed, and Govindrao Mama's father-in-law has been sent.

10th.—In Kusba, Wurrow Daha Govindjee's brother is Vahivatdar. He is perfectly blind. The work is carried on by Talatee Dohur and Dahasman. They commit oppressions.

Petitioners repeat that it is owing to the adverse influence of the above Kamdars, who are the relations and creatures of Durbar officials, that they are prevented from appearing before the Commission.

The Resident forwarded a copy of the petition in question to the Durbar on the 5th December, requesting that, agreeably to His Excellency the Viceroy and Governor General's khureeta of 15th October last, His Highness would be so kind as to produce the petitioners before the Commission, for the purpose of making known specifically the acts of oppression which they complain of. No reply has been received from the Durbar to this yad; and so far from its having had the desired effect, the very contrary would appear to be the case from the following additional evidence received by this day's post:—

From Mr. Hope, the Collector of Surat, No. 1269, of December 17th, 1873, to the Resident at Baroda:—"Sir,—I have the honour to forward "an original petition from certain ryots of the "Gaekwar territory, stating that they have come "to the British village of Varacha, in this Col-"lectorate, in consequence of the persecution to "which they were subjected, in consequence of "having given evidence before the Commission."

The substance of the petition is as follows; it is signed by 22 men:—

"We made a petition to the Resident about our assessment and *the oppression* committed on us, and having been allowed to go home by the Resident, we returned. The *Talookdar of the village*, Patel *Narayanjee Doolule*, &c., and Talatee *Mathooradass* Narrayendass, *sent for us*, and told us that *now we had made a petition to the Resident, we should have to go to the British districts.* So saying, they commenced to commit oppression on us. Mohsuls were issued, although

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| | 16. Kulla Kooer.<br>17. Dooleeb Kullian.<br>18. Beeteel Doolub.<br>19. Kooshal Dewjee.<br>20. Kana Ruttunjee.<br>21. Bona Runchord.<br>22. Nagur Kooerjee. | no arrears were due from us; our cattle were pounded; access to water forbidden; and Dhairs were made to sit at our houses, and we were made to suffer much inconvenience. We left our houses secretly by night, and have come to the British village of Varacha. *Our crops are being ruined, and there is no one to look after them.* In this way oppression is unjustly committed on us, and we pray that you will be so kind as to write to the Resident at Baroda to make arrangements for our settling at our villages. Obstruction is caused to us, because we complained to the Resident, and, therefore, the Resident will kindly make the necessary arrangements.—Dated 14th December 1873."<br>It seems to be clear from the independent evidence afforded by these petitions that the Durbar officials are both obstructing persons from appearing before the Baroda Commission, and persecuting those whose sense of wrong impels them to run the risk of coming. |
| | | These ryots of the village of Abrama, in Naosari, presented a petition at the Residency, dated 28th November 1873, complaining of overtaxation, assessment of waste land, forced labour, &c. |
| | | It is, moreover, a significant fact that there are at this moment 100 petitions on record in the Residency, containing complaints about civil matters, Girass Huks, and the oppression, &c., committed by the officials of the Naosari district. |
| | Petition of the following ryots of the village of Vaysma, Naosari District:—<br>1. Morarjee Pragjee.<br>2. Sunkurjee Shewram.<br>3. Roodur Dajee. | In addition to the above, the following petition in connexion with the obstruction and persecution now reported by Mr. Hope from the person, as per margin, was delivered at the Residency on the 2nd instant (December 1873), viz.:—"The Gaekwar "Government commits oppression on the ryots of "the Tailori Tuppa. The appointment of the "Vahivatdar is held by Narayanrao Raghonath's "son, a boy of eight years old, and the work is "carried on in his name by Lalloo Lala, who committed great oppression on us. At present, the "people were preparing to come to Baroda to "complain, and several of them have been imprisoned in consequence, viz., Lulloo Nuthoo, "of Sondulpur, Lalla Doolubbhaee, Naranjee "Bhaidass, and several others, whose names we "do not know; but we have got a paper signed "by numbers of men. We made our escape, and "have come here to complain. Some of the run-"aways were seized, and 10 or 15 of us have "secretly left at night, and have come here, "because if we do not represent our grievances "we shall continue in the same miserable con-"dition. We have come with only our clothes on, "and pray you will be so kind as to record our "depositions regarding our grievances. Now that "we have come here, we hope you will be so kind "as to arrange to prevent the *oppression on our* "*families and other people which is now going on.* "We cannot return without some arrangement." |
| | | Similar obstruction appears to have been offered to the ryots of Mundala, in the Dubhoe Purgunna, as appears from a petition received in the Resident's office. |
| | Petition from the ryots of six villages of the Bullesur Purgunna, Naosari. | Another instance has just occurred; it is reported in the following petition from the ryots of Oomruck, Gangpur, Soyanee, Barshada, Jutpurda, and Vanesha Pistad, of the Balesur Purgunna, Naosari District, signed by 26 persons, who represent that organised attempts are being made by Durbar officials to prevent their coming to Baroda to lay their grievances before the Commission. They state in substance as follows:—<br>That at the present time Dessai Mukunjee, son of Govind Neecha, Desai of Pulsana and Kharbaree of the Balesur Purgunna, and the other Kharbarees, Gossai Bhai, Rugha Vushnu, and other Dessais visit their villages by day and night to prevent them |

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| | | from appearing before the British Government to represent their grievances; that the said officials forcibly take their signatures to writings prepared by themselves; that they have made a petition about this to the Gaekwar Government, but that they do not think it probable that on that petition their grievances will be redressed; they therefore submit this petition to the Resident.<br>They state that from the time that Govind Neecha became Vahivatdar and Kharbaree in their Purgunnas, and the survey was introduced, the said Govind Neecha has treated them oppressively, and they were obliged to consider him as the Gaekwar himself, and no one would listen to their complaints.<br>British officials visit their districts, and redress grievances on the spot; the petitioners plead that no one comes to them for that purpose.<br>They complain that the assessment is very high, that prices have fallen, and therefore that the assessment should be reduced, and the re-marriage tax done away with. Govind Neecha and other Dessais should be prevented from going into the districts and causing discontent and exacting forced labour.<br>They further complain that their credit with the sowkars is at an end, owing to their extreme poverty. Their sons remain unmarried, and that they are starving; after paying the Government assessment, they declare that they have not even a sufficient quantity of grain left for food, and consequently they are in a miserable plight.<br>It should also be noted that it is the principal officials of the Naosari District who were concerned in violating our extradition laws, by seizing the Parsee Bapoojee Cursetjee, in the limits of the Surat Zilla.<br>The proceedings of the Baroda Durbar in Naosari, in connexion with their proclamation, enjoining general abstinence from animal food during the month of August last, are worthy of consideration, as showing an intolerant spirit, a desire to interfere with the civil liberty of other castes than Hindoos, such as Parsees, Mahomedans, &c., and finally unnecessary delay in countermanding the obnoxious orders after a promise had been given to the Resident to do so without delay. |
| | Continuation of the instances of oppression now being carried out by the Gaekwar officials in the Naosari District.<br>The case of these women was submitted in case No. 30 of this Schedule, but under the orders of the Commission, No. 20, dated 26th November 1873, prohibiting inquiry into the details of the revenue administration, it was not gone into.<br>Their importunity in complaining to all the British authorities now at Baroda has led to this record of their case.<br>*Note:*—It appears on inquiry that the husbands of these women originally held land in their village under a 10 years' lease. Some of them died; others deserted the country. The Durbar re-let the land to other people; but still hold the widows and families of the original deceased or absent holders responsible for any loss they profess to sustain by re-letting the said land. | On the 20th December, a number of widows, &c. of the village of Wurriow, in the Nowsari District, appeared before the Commission, by order of the Resident. These poor people have been wandering about Baroda for more than a month past. The Resident interested the Minister on their behalf not long since, and it was arranged that they should return home to have their grievances redressed by the Vahivatdar, Data Govind. They have now returned again to complain that nothing has been done for them.<br>At the request of the President of the Commission, the Resident, accompanied by Mr. Bapoobhai, the Durbar agent present, went outside the committee room to speak to the persons in question, when it was arranged that the Vahivatdar, Data Govind, should be summoned to Baroda to state their case.<br>In the meantime, they have, themselves, made the following statements before the Resident:—<br>1st.—Ibrahim Bhai Meya, a Borah, residing in Wurriow village, of the Naosari District, who has been acting as agent for these people, states as follows on solemn affirmation:—<br>"For the last four years I have been petitioning the Durbar on behalf of the women now present. All my representations have been made to the Sir Sooba; I have always been referred by him to the Sooba of Naosari, and by the latter to the Vahivatdar of Wurriow, who refused to take any notice of my |

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representations; this treatment has been adopted for the last four or five years. I have also petitioned the Resident on more than one occasion, but I have always been referred to the Durbar.

"When, therefore, we heard of the arrival of the Commission, I came with the petitioners to lay their grievances personally before the Commission.

"I first made a representation to the Resident about a month ago, who mentioned their case both to the Maharajah and the Minister. The Minister took us away, and told us to go to Hurriba. Hurriba gave me a written order to take to the Sooba of Naosari; this order I delivered to the Sooba's Karkoon, named Bulwantrao; the Karkoon read it, endorsed it, and asked me to take it to the Vahivatdar at Wurriow. I delivered it in person to the Wywutdar at Wurriow. He said that it contained no order whatever, and told me to take the petitioners away. He said that he would write to the Sooba about it. I had no confidence in what he said, and therefore I came again to Baroda to represent this case. Wurriow is 50 coss from here, and the petitioners have travelled this long distance twice to get a hearing. I pray that justice may be done there."

Before me,
(Signed) A. C. Boevey,
Assistant Resident.

Baroda, 20th December 1873.

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Further statement by deponent:

"I am acquainted with Nanee, one of the petitioners now presented. I was security for her husband, who died in 1924. When he died there was no outstanding balance due from him. He held about 28 bigas of land. Nanee gave a razinama for this land to Fuquir Mehta as soon as her husband died. Notwithstanding this razinama I was ordered by the Vahivatdar, Dayabhai, to pay assessment for the following year, Sumvut 1925. I protested, saying that the land was no longer in Nanee's possession, and that she had given a razinama for it. Notwithstanding my protest I was ordered to pay, and because I refused I was put in a cage for three days and was kept in the Kutcherry for nine days. I was then threatened with imprisonment in fetters if I did not pay up. Under this compulson I paid Rs. 52 in Sumvut 1925. In Sumvut 1926 I paid Rs. 45 under similar compulsion. In Sumvut 1927 I paid Rs. 50 under the same compulsion. In Sumvut 1928 I paid altogether Rs. 112-2-3 on account of the same land under similar compulsion. Each separate payment was made under protest, and was only extorted from me by imprisonment and threats of personal injury. The whole amount so paid up to the year Sumvut 1929 was about Rs. 319, as shown in the accompanying memorandum marked A. I had recovered this sum from the widow, and the unjust extortion from me has thus been transferred to her. Nanee's husband took up the land in the year Sumvut 1921 for ten years. I gave security for ten years."

2nd.—Hansa Boo, wife of Jewa Hooseinjee, residing at Wurriow, states the circumstances of her own grievance as follows:

"My husband is imbecile; he has no khata, but my husband's father cultivated about six bigas of land. My husband's father died 10 years ago. I do not know whether he cultivated on lease or not I have nothing to do for my father-in-law, and my husband has never cultivated any land. Notwithstanding I am held responsible by the Sirkar for the assessment on the land formerly cultivated by my deceased father-in-law. The Sirkar has no sort of claim on me. I have paid on account of this land no less than Rs. 250, although the land has been given by

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the Sirkar to some one else to cultivate. I have been stripped of everything that I had, and have been left utterly destitute. I have been put into the wooden cage, and have been subjected to the greatest indignity.

"The Sirkar has no claim against me whatever. I never cultivated the land and have no interest whatever in it. I therefore pray that the amount unjustly levied from me may be refunded."

(Signed) A. C. BOEVEY,
Assistant Resident.

Baroda, 20th December 1873.

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3rd.—Kuddee, widow of Salajee Ibrahimjee, of Wurriow, states the circumstances of her grievance as follows :—

"My husband died four years ago. He cultivated 4½ bigas of land. I do not know whether he gave a lease or not. I gave a razinama to the Sooba, which was accepted, and since that I have not occupied the land. Notwithstanding this, I have been compelled to pay assessment every year, and have paid about Rs. 64 in all for this land. In order to make me pay I have been put in the cage and have been much ill-treated. Mohsuls have been placed on me. Everything that I have has been taken from me, and I am left utterly destitute. I pray that my razinama may be accepted, and that the amount illegally levied may be refunded."

(Signed) A. C. BOEVEY,
20th December 1873. Assistant Resident.

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4th.—Momee, widow of Sulemanjee Asmaljee, of Wurriow, states the circumstances of her grievance as follows :—

"My husband left me seven years ago, and has since died. He cultivated 25 bigas of land. I do not know whether he gave a lease or not. I offered a razinama when my husband left me, and I was forcibly made liable for the assessment, although the land was given to some one else to cultivate; for four years I paid Rs. 50 a year, viz., Rs. 200. My husband then died, and I again offered a razinama, and it was again refused. I therefore ran away to Rander, a British village. My property was then all attached, including my house, and has remained so for the last three years. The Government now claims from me about Rs. 200, which I am unable to pay. The money which I paid was recovered in this way. Mohsuls were placed on me; my property was seized; I was imprisoned and made to hold my toes with my hands, and subjected to every sort of ill-treatment from the sepoys. Under this pressure I paid.

"I pray that my razinama may be accepted, and the amount illegally levied from me may be refunded."

(Signed) A. C. BOEVEY,
Assistant Resident.

Baroda, 20th December 1873.

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5th.—Fatma, wife of Ahmed Issar, of Wurriow, states the circumstances of her grievance as follows :—

"My husband has left me 10 years. He used to cultivate six bigas of kalsa land. When my husband left me, his land was given to some one else to cultivate, but I was held responsible for any deficiency in the assessment. I have paid altogether on account of my husband's land, which I have never cultivated, about Rs. 150. I don't know whether my husband took this land on lease or not. When my husband left me I preferred a razinama for the land, but the Vahivatdar refused to take it. I have subsequently offered other razinamas, which have been accepted, but assessment is still demanded from me. In order to compel me to pay the assessment

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| | | already paid, I have been put in the wooden cage, imprisoned, and mohsulled. I have been stripped of everything. I pray that my razinama may be accepted, and that the amount levied from me for this land, which I have never cultivated may be refunded."<br>(Signed) A. C. Boevey,<br>20th December 1873. Assistant Resident.<br><br>6th.—Oorbai, wife of Ahmed Sulleman, residing at Wurriow, states the circumstances of her grievance as follows :—<br>"My husband has left me since two years. He cultivated 50 bigas of land on a lease for a term of years. I do not know for how many years. When my husband left me I gave a razinama, but the Vahivatdar refused to accept it. I have been forced to pay assessment on this land for the last two years, and have paid about Rs. 450, including Rs. 150 for outstanding balances. I have pledged every article about me, and am left utterly destitute. I have been imprisoned and much ill-treated in order to make me pay. I pray that my razinama may be accepted, and that the amount illegally levied from me may be refunded."<br>(Signed) A. C. Boevey,<br>20th December 1873. Assistant Resident.<br><br>7th.—Ashaboo, widow of Ashak Daojee, of Nowsari, states the circumstances of her grievance as follows :—<br>"My husband died about a year ago. For nine years previously he was a lunatic. He held 30 bigas of land. I do not know whether he gave a lease or not. When my husband became lunatic I offered a razinama to the Vahivatdar, Data Govindjee, but he refused to accept it; so I had no other alternative but to continue in occupation. The produce of the land was not sufficient to pay the assessment, and I had to incur a loss of about from Rs. 80 to Rs. 100 annually. In order to make me pay I have been put in the cage and have been much ill-treated. Mohsuls were imposed on me. Everything that I have has been taken from me, and I am left entirely destitute. I deserted my village in Sumvut 1927 (A.D. 1870–71), and went to the British village of Shegwa, in the Oolpar Purgunna. The Kharbharee of the Thana of Wurriow came to me and induced me to return to Wurriow, on a promise of reducing my khata from 30 bigas to 23. This promise has never been performed, and I am pressed to pay assessment for the said seven bigas. I have two sons, aged respectively 18 and 10. The elder one has deserted Wurriow owing to the oppression committed on us by the Sirkar. I have not heard from him for the last four years.<br>"I pray that my razinama may be accepted, and that the amount illegally levied may be refunded."<br>(Signed) R. Phayre,<br>Baroda, 21st December 1873. Resident.<br><br>8th.—Amnajee, widow of Asmal Hoosein Mamsa, of Wurriow, states the circumstances of her grievance as follows :—<br>"My husband died about 10 years ago. He cultivated 20 bigas khalsa land. I don't know whether he gave a lease or not. There was no outstanding balance against him when he died. I offered to resign the land, but the Vahivatdar, Data Govind, refused to allow me to do so. The Durbar authorities gave the land to some one else to cultivate, but held me liable for any deficiency in assessment, *i.e.* they recovered from me the difference between the |

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assessment actually realised and that which my husband used to pay. This difference amounted to about Rs. 75 annually. To recover this amount mohsuls were imposed on me. I was imprisoned. I had to sell my cattle, and thus with great difficulty I paid the Government demand.

"About two years ago I filed a razinama on stamped paper in the Sooba's office at Nassari. Notwithstanding this, the assessment was levied from me.

"I pray that my razinama may be accepted, and the amount illegally levied may be refunded."

(Signed) R. PHAYRE,
Baroda, 21st December 1873. Resident.

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9th.—Bai Russool, widow of Asmal Isubjee, of Wurriow, states the circumstances of her grievance as follows:—

"My husband died 10 years ago. He cultivated 18 bigas of land. I do not know whether he gave a lease or not. There was no outstanding balance against him when he died. I offered to resign the land, but the Vahivatdar, Data Govind, refused to allow me to do so; thus I had no alternative but to continue in occupation of the land. I paid the assessment up to Sumvut 1925 (A.D. 1868–69); the produce of the land was not sufficient to pay the assessment, and each year I had to incur a loss of from 50 to 75 rupees. To pay this amount I had to sell my ornaments, cattle, &c. In order to make me pay I have been put in the cage, and have been much ill-treated. Mohsuls were also imposed on me. In Sumvut 1926 (A.D. 1869–70) I did not cultivate the land at all—I expressed my inability to do so to Data Govindjee. The Durbar then let the land themselves to some one else, but held me liable for the difference between the rate at which the land was so let, and the rate at which the assessment used to be realised from my husband and myself. For the years Sumvut 1926, 1927, and 1928, I had to pay about Rs. 800. This amount was levied from me by the forcible modes above specified. To pay this assessment I had to mortgage the land I hold in the Surat Zillah.

"I pray that my razinama may be accepted, and that the amount illegally levied may be refunded."

(Signed) R. PHAYRE,
Baroda, 21st December 1873. Resident.

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10th.—Bai Yama, widow of Amaljee Suleman, of Wurriow, states the circumstances of her grievance as follows:—

"My husband died about four years ago. He cultivated four bigas of khalsa land. There was no outstanding balance against him at the time of his death. My husband returned from a voyage to my town in Sumvut 1923 (A.D. 1866–67), and was by imprisonment forced to accept the said land for cultivation. When my husband died, I went with a razinama to the Kutcherry; the Karkoon, Nagurdass, refused to accept it, so I left the paper in the Kutcherry, and, deserting Wurriow, went to Rander. Notwithstanding this, I was held responsible for the assessment. Pressure was placed on my husband's security, Ahmed Isak, who threatened to sell my house. Thus I was forced to pay the assessment, Rs. 28, annually. Last year I returned to my native village, seeing that my desertion did not save me from this unjust imposition. I was put in the cage, and mohsul issued on me to compel me to pay the assessment. I had to sell my ornaments, &c., to meet the Durbar demands.

"I pray that my razinama may be accepted, and the amount illegally levied may be refunded to me."

(Signed) R. PHAYRE,
Baroda, 21st December 1873. Resident.

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| No. | Complaints of Baroda Subjects. | Remarks. |
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| | *Petitioners.*<br>1. Morarjee Pragjee.<br>2. Shunkurjee Shiwram.<br>3. Rudar Dajee.<br>By a reference to No. 20 of the proceedings of the Commission in the revenue torture cases, it will be seen that Rudar Dajee was examined before the Commission only in regard to the force used by the Nassari officials in collecting the revenue, and not upon the other points put forward in their own petition, and that of 94 other persons which they brought with them.<br>The evidence of his companions was not taken by the Commission. | In the verification of the petition, as per margin, above quoted in full under this No. 65, one of the petitioners, Shunkerjee Shivram, of Vesma, has this day made the following statement, showing that the Nassari officials are preventing persons from coming forward to represent their grievances :—<br>"The petition dated 2nd December 1873, now read over to me, was made by me, Morarjee Pragjee, and Rudarjee Dajee, and is true. It was presented by us personally at the Residency.<br>"The other petition, signed by about 94 persons of the Teladi Purgunna, was also presented by us on the same occasion.<br>"The people of the Teladee Purgunna having heard of the arrival of the Inquiry Commission at Baroda, intended to proceed there to represent their grievances and present a petition. A petition was proposed and signed by about 94 persons. I had that petition with me. All the villagers going to Baroda were to meet at Surat, which is 10 koss from Vesma.<br>"The Vahivatdar of our Purgunna is the son of Narayenrao Rugonath, Sooba of Nassari. He is of young age, and never comes to the Purgunna. The work is carried on in his name by Lulloo Lalla. This Lulloo Lalla, hearing that people from our Purgunna were going to Baroda to complain, sent his peons to seize persons going to Baroda, and bring them to the Thana. The peons went to different villages. Four peons came at night-time to my house, which I left at midnight by a back door, crossing a hedge. The peons pursued me for a short distance. On my way to Surat I met Morarjee Pragjee and Rudar Dajee at Khulwasa, a village of the Chowrashi Purgunna, Surat District. We then came to Baroda and presented petitions at the Residency, as above stated.<br>"I heard at Khulwasa that Lulloo Nathoo and others were seized and taken to the thana.<br>"Morarjee Pragjee, myself, and Rudar Dajee were examined at the Residency. Before the Commission Rudar Dajee was alone examined. Morarjee and Rudar returned home about twelve days ago, as both became sick of fever."<br>(Signed) R. PHAYRE,<br>Baroda, 21st December 1873. Resident. |
| 66 | Case of the creditors of the late Bhow Scindia, Dewan of His Highness Khunderao Gaekwar. | The late Bhow Scindia was convicted of bribery and other offences in the month of May 1871, and was sentenced to imprisonment for two years.<br>Bhow Scindia was possessed of very considerable property, amounting to many lakhs of rupees. The exact amount of this property cannot be accurately ascertained, as the whole of Bhow Scindia's papers have been seized by the Durbar, and are now in their possession. The value of the property has been variously estimated at from 30 to 50 lakhs of rupees.<br>The whole of this property was attached by the Durbar, to meet the alleged claims of Bhow Scindia's creditors, which are stated by the Durbar to amount to Rs. 4,07,855, exclusive of Government demands amounting to Rs. 1,21,223, making a total of Rs. 5,29,078.<br>Petitions have been received from the following creditors of the late Bhow Scindia, stating that although they have procured decrees in their favour against the estate of the late Bhow Scindia, they are unable to obtain execution :—<br>1. Haree Bhagtee, for Rs. 2,42,585.<br>2. Jumnadass Jugjivan, for Rs. 12,332.<br>3. Nurotum Ladha, for Rs. 1,637.<br>4. Lulloo Gungaram, for Rs. 570.<br>5. Hurgowind Vunmalee, for Rs. 441.<br>6. Wuruglall Shivlall, for Rs. 1,400.<br>7. Narayen Runchod, for Rs. 3,672.<br>8. Koohr Mhorum, for Rs. 1,042. |

| No. | Complaints of Baroda Subjects. | Remarks. |
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| | | It is stated by the widows of the late Bhow Scindia, who are his immediate heirs, that they have been deprived of the whole of their stridhan, or personal property, together with the effects of their deceased husband.<br>Apart from the question of the amount of stridhan to which they may be entitled, it is clear that the heirs of the late Bhow Scindia are entitled to the possession of any property in excess of the debts for which the said property was attached.<br>Not only, however, have the chief creditors of the late Bhow Scindia been left unpaid, but the whole of an immense property has been simply appropriated by the State to the prejudice of the heirs, who are left utterly destitute. The original attachment was imposed on the ground of Bhow Scindia's indebtedness, but the attachment has been subsequently used to defraud the heirs and creditors, and to give the Durbar an opportunity of confiscating the whole of this vast inheritance.<br>R. PHAYRE,<br>Resident of Baroda. |

## SCHEDULE No. III.

### BRITISH AND BARODA SUBJECTS.

| No. | Names of Claimants, &c. | General Circumstances in each Case. |
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| 1 | Case of the firm of Samul Bechur, bankers of Baroda and Ahmedabad, transferred from No. I. Schedule, British subjects, agreeably to letter No. 2, dated 10th November 1873, from the Secretary, Baroda Inquiry Commission.<br><br>The following evidence is on record:—<br>No. 1. Motilal Samul, taken in May 1873. Head of the firm died in 1873.<br>No. 2. Motilal Purshotum, Goomasta of the firm.<br>No. 3. Tricumlal, Mooktyar of Motilal, his sister's son.<br><br>This case was originally entered by the Resident in Schedule No. I., British subjects, but it has been transferred to this Schedule by order of the Baroda Commission.<br>It is respectfully submitted that under the exceptional circumstances which have occurred under the present administration of the Gaekwar State, the interests of the British subjects residing in, or having commercial relations with, the Baroda Government, are not adequately protected, and that they have no means of redress open to them, except that afforded by the present Commission, the advice of the Resident to do justice to these persons having been rejected.<br>The connexion of the firm with the Gaekwar State, as State bankers, was annulled by the present Maharajah soon after his accession to the throne, but no settlement of accounts has been effected. | Motilal Samul, the last representative of the firm, died at Ahmedabad about two months ago. He resided chiefly in the Residency garden at Baroda from May last to the time of his death, owing to the fact of the firm in the city of Baroda being under attachment, together with the whole of the property of the firm. Motilal made the following statement of his case before the Resident at the end of last May. It was supported by two witnesses who are still alive :—<br>"The present head of the firm is the infant son of Motilal; the manager is Motilal's son-in-law, Trikumlall Mooktyar.<br>"The firm of Samul Bechur and Co. has been in existence at Baroda for the last century and upwards, during which they have been employed as bankers of the Gaekwar, which continued up to August 1872 (Sumvut 1928, Shravun Sood 5), the whole of the property of the firm having been placed under attachment from the 6th idem up to the present time."<br>The cause of this sudden suspension of the extensive business of the firm is explained as follows :—<br>"About the year 1923 (A.D. 1868), a Goomasta named Motilal Jeyta was discharged by the firm for misconduct in having made away with certain documents. This man shortly after his dismissal went and laid false information before His Highness the Maharajah Khunderao, to the effect that if the old books of the firm for Sumvut 1885 (A.D. 1829), were examined, a sum of Rs. 64,000 would be found to be due to the Gaekwar State, on account of the Korul Purgunnah, which had been leased to the firm for five years, viz., from Sumvut 1877 to 1882. His Highness Khunderao at once sent for the petitioner, Motilal Samul, who explained the matter satisfactorily to His Highness, who took no further notice of it, and the matter dropped.<br>"About four years after this His Highness Khunderao died, and the present Gaekwar came to the throne, when the aforesaid Goomasta, Motilal Jeyta, renewed his information in Sumvut 1928 (May 1872). At this time the head of the firm, Motilal Samul, was absent at Ahmedabad, where he had gone to be present at the marriage of his daughter. |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
|---|---|---|
| | Motilal's statement, 30th May 1873. | A Goomasta named Motilal Purshotum was in charge of the firm in Baroda; and a Mohsul was at once imposed on the firm by order of the Durbar, with instructions that the banker was to settle all current accounts with the Furnavis. Motilal Samul on hearing this at once proceeded to Baroda and waited upon His Highness the Maharajah, and asked him why the Mohsul had been imposed on the firm. His Highness told me to make up my accounts with the Furnees. This was about June last year. I then told the Maharajah that my Goomasta, Motilal Purshotum, had already been to the Furnavis about the accounts, and that the Furnavis had told him that Rs. 50,000 was to be paid to the State on account of Baee Judal, the widow of Runchore, as awarded by His Highness Khunderao; but that I declined to pay such Rs. 50,000, because a decree had already been given in my favour in that case by His Highness Khunderao, a certified copy of which is in my possession. On hearing this the Maharajah said he would ask the Furnavis, and told me to come the following day. I accordingly went, and the Maharajah told me that I was indebted to the Sirkar, and must show my books of 1885 to Wussuntram Bhow, his private servant. Accordingly Wussuntram Bhow came to my house and took such notes as he required from my cash book and ledger of 1885. About a week after this I was sent for by His Highness to the Motee Bagh, and after salam I was told to talk to Wussuntram Bhow about the money due under the ledger (khata) of 1885. Wussuntram then said that I owed four lacs, including interest, to the Gaekwar Government; that His Highness would remit one lac, but that the remaining three must be paid at once. I replied that I owed nothing to the Sirkar, and, if there were any accounts with the Sirkar, to prove such a debt they must be shown to me. Wussuntram then said, 'Your own accounts show the debt, and we order you to pay.' I then replied that the accounts about the Korul Purgunna had been adjusted in Sumvut 1889 (A.D. 1833), in Syajeerao's time, so that nothing was due, and at the same time the agreement marked A was shown to Wussuntram Bhow, who said that as the parties to the document were dead, the document itself was dead. He then said, 'Act according to the wishes of the Sirkar and give a chit for rupees 1½ lacs.' I replied that I had not committed any offence against the Sirkar, nor did I owe the Sirkar anything, and therefore I declined to give the paper. Wussuntram then went into the Maharajah, and shortly after called me into his presence. The Maharajah told me to do as Wussuntram told me, and that by so doing I should obtain the favour of His Highness, and would obtain good advantage. I replied that I would serve His Highness to the best of my ability, but that I could not pay the large sum demanded. I then came home. After this a day or two, Wussuntram came twice to my house, and desired me to give the note for 1½ lacs. He also used to call the Goomasta, Motilal Purshotum, and Bhicajee Punt Narayen for the same purpose. Wussuntram told the latter that if he did not persuade his master to sign the note for 1½ lacs his shop would be attached and all would suffer.<br>After some time, on Shravun Sood 3rd, when I was going to see the Temple of Nurssagee, in Baroda, I was prevented by Wussuntram's sepoy, who told me to come to his master. I said that I would go to the temple first, and then go to his master. The sepoy said, 'You must come first, or I will take you by force;' so I was obliged to follow him to the Sirkar's Havelee to Wussuntram's office. The latter told me in a threatening tone that he had frequently warned me to write the chit for the 1½ lacs, and that if I would not do so, I should be dishonoured. I then returned home. |

The outstanding accounts still to be settled with the Gaekwar State are roughly stated as follows:—

The books requisite to make out a proper account were under attachment when the deposition was taken. All that Motilal Samul solicited was a fair settlement on both sides.

| | Rs. | |
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| Claims on H. H. the Gaekwar, according to State chits in his possession - | 8,77,844 | Owing to the abrupt attachment and stoppage of business considerable loss has been sustained by the firm. |
| Payments to certain individuals by order of H. H. Khunderao - | 17,000 | |
| Payments to Ramchunder Rao Gorpuray on H. H. Khunderao's security - | 40,000 | |
| Original cash advanced to Sirdars, Pagadars, and Silledars on Government guarantees, exclusive of interest - - | 5,06,500 | |
| Private transaction of firm with bankers and others - - - | 5,80,000 | |
| Value of household and landed property in Baroda attached since August 1872, rent not now realised - - | 1,87,900 | |

Jewelry under attachment in the house of the firm in Baroda, according to lists in the house itself. (August 1872.)

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| Diamonds and pearls - | Not valued. |
| Silver vessels - - | |
| Gold and silver jewels - | |
| Horses, carts, grain, &c. | Rs. 26,600 |

Palanquin and other hereditary honours and allowances confiscated.

The whole business of the firm stopped since August 1872, ostensibly for the reasons stated in Motilal Samul's deposition. (August 1872.)

Attachment of property which still continues.

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | This is one of the first cases which I had to discuss with the Gaekwar Government on my arrival at Baroda. I had several interviews with the Minister regarding it, and one with His Highness the Gaekwar and Minister together. I was told by them that Colonel Shortt had considered the whole case, and that though the Government claimed 1½ lacs of rupees from the firm, they had agreed to accept Rs. 75,000 in settlement of all demands. This they said had been Colonel Shortt's decision. The firm denied that they had agreed to that decision, affirming that several items in the State Loan account were not acknowledged, though *bonâ fide* transactions. I searched in vain for any record of Colonel Shortt's proceedings in the case, and I therefore repeatedly begged that a fair inquiry into the accounts might take place with a view to settlement. This was promised, but never performed. *Bonâ fide* debts to the firm by the State were, as far as I could see, deliberately repudiated by His Highness and the Minister. I believe myself that if just claims are admitted, the balance will be in favour of the firm, which has been ruined by the apparently arbitrary and unjust course adopted by His Highness' administration towards them. I was called upon to support Colonel Shortt's alleged decision without seeing the complete accounts on both sides, which I declined to do. | "On the 5 Shravun Sood I had been to the station to see Mr. Taylor, barrister, and Mr. Bhaishunker, a clerk of Messrs. Jefferson, Payne, and Co., solicitors of the High Court, and having to consult them regarding my suit against the Trading Company, I took a ticket for Broach, and sat in the same carriage as Bhaishunker, there not having been time to speak to him at the station. At the same time when starting I saw my nephew Tricumlal in the same train, who informed me that my wife at Ahmedabad was ill with dengue fever. In consequence of this we returned from Kurjun, and went in the mixed train to Ahmedabad. The next day, 6th Shravun Sood, the whole of my property was attached, information of which was communicated to me by my Goomasta, Motilall Purshotum, who, with Bhicaji, were confined for few hours. I should probably have left Baroda through fear of being imprisoned on account of the demand made against me; but the immediate cause of my doing so was, as above stated, quite accidental.<br>"I have branch shops at Ahmedabad and Bombay, the business of which have suffered considerably from this attachment. I at once exerted myself to avert the ruin which had come upon me, and I mortgaged some of my jewels.<br>"Some creditors of mine living at Baroda came to me at Ahmedabad and requested me to liquidate their claims. I told them that I would do so on the attachment being removed from my property. I then addressed a petition to Colonel Shortt, to which no reply was received. I then sent a second one, to which Colonel Shortt replied that the matter being one of accounts, it must be settled with His Highness the Gaekwar; and he sent for my goomasta, Bhicaji Punt, and told him that he should call his master's Mooktyar, and that he would get the accounts privately settled. Bhicaji and Motilal on this came to Ahmedabad and told me what had taken place, so I sent my nephew, Tricumlal, as my Mooktyar to Baroda."<br>Before me,<br>(Signed) R. PHAYRE, Colonel,<br>May 30th, 1873. Resident. |
| State Loan Accounts. | No. 2.<br>STATEMENT OF MOTILAL PURSHOTUM.<br>"I am principal Goomasta of the firm of Samul Bechur, of which Motilal Samul is now the proprietor. I have been in the service for 28 years, for the last 15 of which I have been principal goomasta. The firm banks with the Gaekwar State. I was called upon to settle accounts with the last part of June 1870, in the time of the Maharajah Khunderao, four or five months before his death. All the accounts were then settled, with the exception of the State loan account. This was not settled, because the Furnavis required me on the part of the firm to credit to that account a sum of Rs. 50,000 on account of Baee Judal, the widow of Runchore. I replied that I could not do anything without consulting my master; and, moreover, that a decree in favour of our firm had already been given in that case by His Highness. Notwithstanding this, the Furnavis entered the Rs. 50,000 in the State books without my concurrence; but the account remained unsettled on our side. Matters remained in this state when His Highness the Gaekwar suddenly died, and the present Gaekwar came to the throne at the latter end of 1870. No settlement of accounts was called for in 1871; but in the month of May 1872 I was called by the Furnavis to settle the accounts. I went with Bhicaji, Karkoon, and the first account examined was the loans account. I then said that I could not admit the Rs. 50,000 which had been arbitrarily entered by him therein. The Furnavis told me that |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | I must inform His Highness. All other current accounts were settled at that time. I told the Furnees that my master had gone to Ahmedabad for the celebration of his daughter's marriage, and that when he returned he would go to His Highness. A few days after this a Mohsul was imposed on the firm of at first Rs. 1–4–0, afterwards Rs. 2–8–0. The head of the firm was informed of this, and he himself came to Baroda.<br>"After the issue of the Mohsul, Wussuntram Bhow, the private accountant of His Highness the Maharajah, and who has charge of the Jamdarkhana and shop of His Highness, came to our shop once or twice with one Gunputrao, a fellow-servant of his. He examined the books of 1885, and took from them such extracts as he required. Soon after this I accompanied my master, Motilal Samul, to the Moti Bagh to see His Highness the Maharajah; Bhicaji Pant was also there. After making our salams to His Highness, we took our seats, and Wussuntram Bhow came to us. I have heard my master's statement read out to me as to what occurred at the Moti Bagh, and it is correct. I am aware of the fact that when my master was going to the temple he was compelled to go to the office of Wussuntram.<br>"I know about the case of the Rs. 50,000. The original Samul Bechur's wife had a nephew named Runchore, who was about 11 or 12 years old, when he was murdered for the sake of his ornaments. This boy was married to Judal, the daughter of a poor Banya of Pithapur. There was also one Ghirdhurlal, the son of the head Goomasta of the firm, called Bechur Nuthoo; he was then about 25 years of age. It was resolved by the head firm, in order to facilitate the transaction of business, to establish a branch shop in Baroda under the names of Girda Runchore. The head Goomasta of the principal firm managed both. The capital of the branch firm was about Rs. 50,000, which was paid partly by Bechur Nuthoo and partly by Samul Bechur. The books being under attachment, the items cannot be given exactly. Runchore died in 1885–86. Within a year or so after this, Bechur Nuthoo was dismissed from the original firm for misconduct, and consequently the affairs of the branch firm were wound up. In 1889 (A.D. 1843) the widow of Judal gave an acquittance in full in regard to the use of the name of her husband, Motilall Samul, who was then proprietor of the firm, and a fixed maintenance was settled upon her. In Sumvut 1909 she was incited to complain in the Court of the Collector of Ahmedabad, that she had been deprived of her share in the firm of Girda Runchore and put off with a mere |
| | | 1853. maintenance. The Collector sent her complaint with a letter to the then Resident, who referred the matter to the Durbar, and the Durbar decided against her claim. Gunputrao was then on the throne. Judal |
| | | 1867. renewed her claim again in 1867 to the Maharajah Khunderao, who passed a decree in our favour. In 1868, when the accounts were to be settled, the Furnees debited this Rs. 50,000 in the State loan accounts, and it was ordered by His Highness Khunderao to be struck out on decree being shown. We have therefore resisted its entry into the accounts ever since."<br><br>No. 3.<br>STATEMENT of TRICUMLAL MOOKTYAR.<br>"30th May 1873.<br>"I am Motilal's sister's son. I have been employed for some time as an English clerk in the Bank of Bombay, and resigned the service to transact business of my own. I arrived at Baroda last September as the agent of Motilall Samul in the case now under inquiry. We understood that Colonel Shortt, the then Resident, required an |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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MEMO.

Upon all this evidence, as also upon what subsequently passed at an interview which I had with both H.H. the Gaekwar and the Minister upon this case, I formed the judgment that the object of both of them was not only to repudiate all State responsibility for certain claims put forward by the firm, but by attacking its valuable property to secure a considerable sum of ready cash alleged to be due to the State, which sum the head of the firm said he would pay if on going thoroughly into the accounts it was proved to be due by him.

This was often promised, but never performed, and the attachment was continued, because without a full settlement of accounts and the recognition on the part of the State of their *bonâ fide* responsibilities the firm would not have had money enough to meet the demands of their creditors, on resuming business.

Notwithstanding this, I was expected to use my influence as Resident to persuade the head of the firm to credit the State with Rs. 75,000, without examining the accounts on both sides, which I of course declined to do.

agent in the case. I saw Colonel Shortt on the day of my arrival, and he referred me to the Durbar for the settlement of accounts. I went and saw His Highness; it was too late, and accounts were not settled then, but His Highness told me that I must settle accounts with the Furnavis, and that the Sirkar would not forego their just claims. Some Vakeels and others called out that Government should have their rights. I then said that in order to settle the accounts I ought to have certain papers connected with the accounts, and His Highness ordered the Fouzdar to give such papers as I required after taking my receipt for them. Next day I got memoranda of the State loan and current accounts. The third day I went to the Furnavis, as the Maharajah ordered me. I was accompanied by Motilall Purshotum and Bhicajee Punt. I asked the Furnees what account had to be settled. The Furnees asked what I had to say about the Rs. 50,000. I said that he was not entitled to the Rs. 50,000, and that he had no paper or document to support his claim of Rs. 50,000 against us, and that the decision had already been given in our favour by Khunderao Maharajah. The Karkoon of the Furnavis then asked me three times whether I was going to give credit for Rs. 50,000 or not. I said that it was not legal, and therefore that I could not do so. He then told me I must come to Wussuntram Bhow. We went to him, and Wussuntram Bhow, without any reference to the Rs. 50,000, said: 'Your master has agreed to pass 'a note for Rs. 1,52,000, so you had better do so, 'otherwise your Shett will be ruined.' I said that if my Shett had agreed to that there was no reason for my coming. He then told me that I ought to persuade the Shett to pass a note for 1½ lacs, when it would be good for him. I then said that my master was not a child that I could prevail on him to pass such an unjust note. I then took leave. On leaving he desired me to think of the matter and to answer next day. Early next day I was sent for by Wussuntram, and I went with Motilall Purshotum and Bhicajee. When we went we were referred to the Furnees, and when we went to the Furnees we were referred back to Wussuntram, That day passed in that way. I always reported what happened to Colonel Shortt, and he told me to go back and tell the Durbar to settle the accounts. I was called on the third day, and all three of us were taken upstairs to His Highness' bed-room, where threats were used by Wussuntram Bhow to induce us to persuade our master to sign for 1½ lacs. I refused. At about 11 a.m. that day we then were told not to go home; that we were to be detained in custody in the Court of the Senaputty under a guard of peons. We said we were hungry, at one o'clock, when we were allowed to go home with two peons to get our dinner. Whilst thus engaged I managed to send a note to the Residency to inform Colonel Shortt how I was situated. After this we had to return to our place of confinement, and at 7 p.m. we were allowed to go for our supper, guarded by two peons.

"After supper we were taken before the present Minister, Sivajeerao Khanvelkur. We then learnt that he had received a note from Colonel Shortt about us. The Minister asked us why we complained to Colonel Short; that we were merely detained for the settlement of accounts, and were not confined. I said that Wussuntram did confine us. He denied it. We were then told to go.

"Next day I came to Colonel Shortt and told him what had happened, and Colonel Shortt then said, 'You need not go to Wussuntram Bhow, but go to Nana Saheb, Minister.' I did so on the following day, and I was told as I had been by Wussuntram Bhow. This was in September 1872, and matters

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | Thus the attachment has continued since August 1872—thus business has been stopped—thus rents unpaid, and their creditors ready to come down upon them at any moment. | a re just the same now as they were then. I never p romised Colonel Shortt to sign a paper for Rs. 75,000; he advised me to do so, because the Minister wished it, but I declined. I said I could not do so without consulting Motilal Samul.<br>"I wish to place on record the following documents:—<br>No. 1.—A memorandum from memory of our account, the books, &c. being under attachment with H.H. the Gaekwar.<br>No. 2.—Copy of the Kullumbundee of nine articles made with H.H. Siajeerao.<br>No. 3.—Copy of the Kullumbundee of seven articles.<br>No. 4.—Sanad of Devalipura village.<br>No. 5.—Sanad of Gudala.<br>No. 6.—Sanad of Paga, in contingent.<br>No. 7.—Sanad for Futtehpur.<br>No. 8.—Palanquin.<br>No. 9.—Sanad for Zelif. |
| | 2.—Case of the British firm of Dowlutchund Jowairchund, jewellers of Ahmedabad, claiming payment for jewels value Rs. 2,71,799-8-6. Interest on ditto, at 6 per cent. per annum, Rs. 39,333-7-6.<br>This case has been transferred from Schedule No. 1, British subjects, to this Schedule by order of the Commission. The firm in question is established at Ahmedabad, but trades with Baroda.<br>The Resident respectfully submits that case No. 1 of this Schedule (Samul Bechur's), as well as this and others that will follow, come within the scope of paras. 4 and 5 of His Excellency the Viceroy and Governor General's letter No. 2209 P, dated Simla, 19th September 1873, wherein British subjects, including those resident in Baroda territory, whose welfare has been affected by the present extraordinary administration of the Baroda State, are specified as fit objects for protection. | "It is now very nearly three years since the jewels in question were purchased by His Highness Mulharao on the occasion of his marriage. Every effort at obtaining a settlement having failed, the firm, as a last resource, deputed a member of it, named Tarachund, from Ahmedabad, in September last, to represent the circumstances if necessary to the Resident. Tarachund first delivered letters to His Highness and the Dewan, soliciting a settlement, which was not effected. The Dewan first brought the case to the notice of the Resident, asking his advice about it, and subsequently Tarachund made his complaint. The case was then represented to the Maharajah in the following letter—a course that under ordinary circumstances would not have been followed, but which, in consequence of the rejection of the Resident's advice in the banker Samul Bechur's and other important cases, became a matter of absolute necessity. I believe that the representative of the firm, Tarachund Wukkutchund, has spoken the plain truth in his statement given below, and if so, the commercial interests and relations between the Gaekwar and British States demand that such cases should be inquired into, with a view to ascertaining their real merits, especially as the Minister has stated that the original offer was a lac less than Tarachund states was sanctioned by His Highness himself in the chits issued bearing his own signature. The letter is as follows:—<br>"No. 2421.<br>"YOUR HIGHNESS, 19th October 1873.<br>"ON the morning of the 7th instant, Nana Saheb Khanvelkur (the Minister) brought to my notice the claim which the firm of Dowlutchund Jowairchund, jewellers of Ahmedabad, have against Your Highness, for jewelry purchased from them on the occasion of Your Highness' marriage about three years ago. He stated that the amount originally offered for those jewels was only Rs. 1,71,000, but that Dowlutchund demands from Your Highness the sum of Rs. 2,71,000 as the original price fixed on the jewels purchased at the time of the marriage were said to have been of the value of twenty lacs of rupees, and that the Baroda jewellers had taken much less than they at first demanded;* for instance, that one Bhaichund Wurdhman had accepted six lacs of rupees for what he had asked eleven lacs, and other Baroda jewellers in the same manner.<br>"Nana Saheb concluded by saying that he mentioned these circumstances to me, as he suspected that a complaint would be made to me on behalf of jeweller Dowlutchund, of Ahmedabad, though he believed that the jewels in question really belonged to Amirchund Manickchund, of Baroda, who is father-in-law of Manickchund. |
| | See the next case No. 3, wherein Muggunlal Huggumchund, of Ahmedabad, places the matter in a different light from that represented by the Minister, and claims 5 lacs of rupees as still due according to agreement. | |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | "On the day succeeding the above interview, one Tarachund Wukkutchund, the nephew of Dowlutchund Jowairchund, of Ahmedabad, appeared in court and made a statement on solemn affirmation, copy of which is also attached.<br>"Next day Muggun Mokum appeared in court and made the statement in solemn affirmation, which is also attached.<br>"In the first place, *if it is true* that Your Highness signed the orders for the complete sum of Rs. 2,71,000, as alleged by Tarachund, and that Wussuntram Bhow actually realised the money, and carried it to account in the Government Bank under his charge, there can be no doubt whatever as to the amount which was originally fixed as the value of the jewels, and consequently Your Highness is in honour bound to pay that amount with interest.<br>"The collateral evidence of the letters addressed to Your Highness by Dowlutchund also supports the truth of this (Tarachund's) statement.<br>"Hurriba Gaekwar Sitaram, Bhaichund Wurdhwan, and Wussuntram Bhow are all perfectly well aware of the circumstances of the case; and, moreover, the evidence of the accounts in the Furnavis Department, the Jamdar Khana, and the State Bank under Wussuntram Bhow's superintendence, should be taken in settling this case, which I trust may receive Your Highness' early consideration and settlement."<br>(Signed) R. PHAYRE,<br>Resident. |
| Exhibits A. and B. | | STATEMENT of TARACHUND WAKKUTCHUND, of the firm of Dowlutchund Jowairchund, Jewellers of Ahmedabad, aged 23 years, occupation Jeweller, resides at Ahmedabad, on solemn affirmation. Baroda, 8th October 1873.<br>"I have come to Baroda on behalf of my uncle Dowlutchund Jowairuchund's affairs. About 15 days ago I brought from my uncle the two letters now produced in court; one addressed to His Highness the Maharajah, dated 22nd of last month, and the other to the address of the Dewan Nana Saheb Khanvelkur. I delivered the originals to the above persons, and these are copies. The facts of the case are as follows: In the beginning of 1871 my uncle received information from Amichund Manikchund, the father-in-law of Dowlutchund, that His Highness the Gaekwar required to purchase some jewellery for his approaching marriage. My uncle sent me with the following articles:—<br>"One frontlet for the forehead, of diamonds and pearls.<br>"One necklace of diamonds and pearls, rubies and emeralds.<br>"One pair of wristlets of diamonds.<br>"One pair of earrings of diamonds.<br>"One ornament for turban of diamonds.<br>"I brought a great many other articles of jewellery, but the above were approved. Soon after my arrival, Amichund's son, Futtechund, accompanied me to the palace, where we received orders to go to the Nuggur Paga, where the Ranee Saheb was at that time. We then gave the jewellery specified to Seetaram, the Karkoon of the Maharajah's Jamdar Khana, for the purpose of being valued, approved, &c. Seetaram entered the articles thus obtained in a book, and Futtechund and I returned home. During about a month I kept going to Seetaram to ask him if the jewels were purchased. At last Futtechund and I, and plenty of others, jewellers, were called to the Havelee to the Maharajah; Hurriba Gaekwar, Bulwantrao Deo, Bulwantrao Yeshwunt, &c., were there. We received orders to go to the Jamdar Khana, and Hurriba Gaekwar and the other jewellers went with us. There the whole of the jewellery was shown. I stated the |

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| | Rs. 2,71,799. | value of my jewellery to be about 3 or 3¼ lacs. On this Hurriba Gaekwar and Seetaram showed my jewellery to the other jewellers, and they estimated the value at about 2½ lacs to 2,60,000. After this Bhaichund Wudman was called in by Hurriba Gaekwar, and after consulting him offered Rs. 2,71,799–8–6. I then urged for Rs. 4 or 5,000 in addition, but they refused. Then the jewellers and others there advised me to take this amount. I accordingly told Seetaram and Hurriba Gaekwar that I accepted it. They then credited the above amount to my name in the accounts of the Jamdar Khana, and told me to go home, and that they would inform the Maharajah, and obtain the Furnees chit for payment and the signature of the Maharajah. A few days after the chits were made out and signed by the Maharajah, and I produce copies of them. One is on Maniklal Kooslal, of Ahmedabad (having a shop at Baroda), for Rs. 25,000; one on Chotilal Maniklal, of Sinnur, who has a shop at Baroda, for Rs. 2,00,804–10–6; another on Gopalrao Myral, for Rs. 45,994–14–0. This was after the marriage, and at this time three months had passed. I went to Seetaram* to ask for my chits. Seetaram told me to go to Wussuntram Bhow,† as he was in authority. I did so, and Wussuntram Bhow told me that I could not receive the full amount demanded, but that I must take something less. I said either give me back my jewels or pay me the full amount, as I could not take less than the amount settled, such not being the custom, and that I could not argue the point with the Sirkar. Wussuntram Bhow told me that the jewels had been worn at the Ranee's marriage at a propitious time, and that it was not possible to return them, neither could the amount fixed be given for them. I was then advised not to have any further altercation with Wussuntram Bhow about the matter, and I returned to Ahmedabad. I have received information that Wussuntram Bhow cashed His Highness' orders and placed the money in the Government Bank under his superintendence, and the money has been carrying interest since that time. About four or five months after this my uncle wrote to the Maharajah on the subject, but no reply was received. He after this wrote once or twice again. At last he sent a registered letter, as per receipt attached, dated the 16th of September 1872. I produce a copy of this letter. No reply was received to this letter, and my uncle again addressed a registered letter to His Highness in March 1873. I produce the register receipt and a copy of the letter addressed to His Highness. We waited for three months, but having received no reply, my uncle addressed a third registered letter to His Highness on 1st July 1873, as per receipt attached of that date. No reply was received to that also. I came here by my uncle's order on 22nd December 1873, and the next day went with a letter addressed to the Dewan's house and made it over to him, when he said that I should go to the Palace the same day. I went accordingly, and saw the Maharajah, in Durbar, where the following persons were also present:—<br>Dewan Saheb Khanvelkur,<br>Hurriba Gaekwar,<br>Govindrow Mama,<br>Bapoobhai Dayashunkur,<br>Bulwuntrao Deo,<br>Bulwuntrao Yeshwunt,<br>and several others. I made over to the Maharajah my uncle's letter to His Highness' address, and placed Rs. 2 at His Highness' feet as a nuzzer. The Maharajah asked me whence I came, and I replied that I came from Ahmedabad, having been sent by my uncle to receive certain money due by His Highness. Bulwuntrao Deo then opened the |

* In charge of His Highness' Jamdar Khana.

† In charge of the State Bank.

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letter and read it to the Maharajah, who desired me to go to the Dewan. The same evening I went to the Dewan at his house, who told me to go to him again the next morning, as he had not obtained His Highness' instructions on the subject. Muggun Mokum was with me at the time. I went to the Dewan's house the next morning, when he told me to meet him at the palace. I did so, and solicited that the matter might be soon disposed of, as I was put to much inconvenience. The Dewan then desired me to go to his house in the evening. I went accordingly, accompanied by Moggun Mokum, the man above referred to. The Dewan told me that if we had confidence in him that we should agree to receive any sum that he might fix, and suggested that I should proceed to Ahmedabad, and obtain my uncle's consent to refer the matter to the Dewan's arbitrament. I replied that my uncle wanted the full price fixed upon with interest, and that it was useless my going to Ahmedabad. The Dewan then took Muggun Mokum into a room, I remaining outside. The interview lasted for about 10 or 12 minutes, and Muggun came out, and we took our leave. On the road Muggun told me that the matter might be compromised for 2½ lacs of rupees, and that I should consult my uncle. I told him that I did not think that my uncle would accept anything less than the full price with interest. About this time I requested Wussantram Bhow while he was at the Palace to be so kind as to settle this matter, when he said that I was fortunate that the matter was being considered; that I deserved to be imprisoned because I did not come to terms. I replied that I was a British subject, and that my Government would look after me. I left Baroda for Ahmedabad three days after the Dussera, *i.e.* on 28th September 1873, and related all that had passed to my uncle, who said that he could not accept anything less than the full price, and desired me to complain to the Resident. I arrived here yesterday and saw Muggun, to whom I had notified previously by letter that my uncle was not prepared to accept the settlement offered. Muggun told me that he had been to the palace, and mentioned this to Nana Saheb, who, he said, inquired of Shitaram and Gunputrow Athvahya whether we ever asked for the ornaments to be returned to us, and learnt that we had done so, but as the ornaments had been used on the occasion of the marriage, the Maharajah did not like to return them."

The above having been explained to Tarachund Vakatchund, is admitted by him to be correct.

(Signed) R. PHAYRE,
Baroda, 8th day of October 1873. Resident.

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Muggun Mokum deposes on solemn affirmation :—

Name Muggun, father's name Mokum, caste Shravak Bania, aged 32 years, religion Jain, occupation money lender, resident Ahmedabad, in Pathas's Pote.

"I have dealings in Baroda, as I was supplying provisions to His Highness the Gaekwar a few years ago. I came to Baroda about 20 days ago to settle some accounts. About a fortnight ago, *i.e.* on 23rd September 1873, Tarachund, nephew of Dowlutchund, a jeweller of Ahmedabad, met me in Baroda, and asked me to accompany him to the house of the Dewan, as he was not well acquainted with the custom of Baroda. I consented, and we went to the Dewan Nana Saheb's house in the evening. Tarachund delivered to Nana Saheb a letter from his uncle Dowlutchund, and requested that the amount due to the latter for jewels sold to His Highness the Maharajah might be paid. Tarachund was desired by Nana Saheb to go to the palace the next day with the letter he had brought

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| | | from his uncle Dowlutchund to the address of His Highness the Maharajah. The next day I accompanied Tarachund to the palace. Tarachund went to the Maharajah; I remained outside. Tarachund returned shortly and told me that he had been ordered by the Maharajah to go to the Dewan. The same evening I and Tarachund went to the Dewan's house. The Dewan desired Tarachund to meet him the next day at the palace. We did so, but the Dewan said that we should go to his house the next day. We went accordingly, when the Dewan desired Tarachund to obtain authority from his uncle to accept any settlement that he, the Dewan, should propose. Tarachund replied that his uncle would not accept anything less than the full price with interest, and that it was useless his going to Ahmedabad to obtain the authority suggested. I was then taken by the Dewan into a room, and was told that he would have the matter compromised for 2½ lacs, and that I should suggest to Tarachund to go to Ahmedabad, and induce his uncle to accept the compromise. We then left the Dewan's house, and on the road I informed Tarachund of what the Dewan had told me. Tarachund then left for Ahmedabad. Four or five days subsequently Tarachund sent a man to me with a letter stating that his uncle would not take anything less than the full price with interest, and that he would not agree to the compromise proposed. The same day I went to the Dewan's house with the man who had brought Tarachund's letter and told him what Tarachund had written. The Dewan replied that he would speak to the Maharajah and let me know. Two or three days subsequently I went to the Jamdarkana for some private business. The Dewan was then there, and, on seeing me, he sent for Gunputrao Athwalya and asked him to relate the circumstances under which the price of Dowlutchund's jewels had remained unpaid. Gunputrao said that Dowlutchund wanted the price that had been fixed at the time of sale in Shitaram's time; that subsequently Wussuntram Bhow had the ornaments priced, and that he wishes to pay the reduced price so fixed. The Dewan then asked me why Dowlutchund would not receive the price fixed by Wussuntram Bhow. I replied that it was usual for merchants to receive the price fixed at the time of the bargain; that when Wussuntram Bhow offered the reduced price Dowlutchund requested that his ornaments might be returned, but that they were not returned; when Gunputrao replied that as the ornaments had been used on the propitious occasion of the marriage, the Maharajah refused to return them. The Dewan then made me the following three proposals:<br>"1. That two jewellers of Ahmedabad and two of Baroda should now value the ornaments, and that Dowlutchund should receive the price that they may fix. Interest to be paid on the price except for the first 12 months.<br>"2. That Dowlutchund should receive back his ornaments, and that the Maharajah would pay for any reasonable loss that Dowlutchund may have sustained in consequence of his not having the ornaments in his possession during the time that they remained with the Maharajah.<br>"3. That Dowlutchund should agree to receive the amount that the Durbar may fix in full satisfaction of his claim.<br>"The Dewan also got these proposals recorded on paper, which was made over to Gunputrao Athwalya.<br>"I told the Dewan that I would send for the jeweller Dowlutchund's nephew, Tarachund, by a telegram. The same day I sent a telegram accordingly. The next day Tarachund came to Baroda, when I informed him of what the Dewan had proposed to |

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| | | me. He did not at all entertain any of the proposals, and stated that he would complain to the Resident. This is all I know in the case."<br>The above having been interpreted to Muggun Mokum, is acknowledged by him to be correct.<br>(Signed) R. PHAYRE,<br>Dated at Baroda, this 9th day of October 1873. Resident.<br><br>TRANSLATION of DURBAR YAD, No. 2596, dated the 5th December 1873.<br>I have received the Residency Yad, No. 2421, dated the 11th October 1873, with regard to the jewels purchased from jeweller Dowlutchund, of Ahmedabad, on the occasion of my marriage; with regard to it I have to state as follows:—<br>On the occasion of my marriage a quantity of jewels was purchased, and on that occasion ornaments were purchased from jeweller Dowlutchund. Dowlutchund demands that he may be given the sum at which the ornaments were then valued, and which was taken in his name from the Government shop; but the ornaments did not properly come up to the value stated, and when I understood that they were of less value, I said that the value should be truly fixed again; and on so making the valuation, Dowlutchund's ornaments are found to be of less value, in the same way as the ornaments of other jewellers. The other jewellers received the amount accordingly, but Dowlutchund did not. If he was not willing to receive the truly fixed price he should have taken back his ornaments. The person who has made statement on his behalf in the Residency states, that although request was made for the ornaments to be returned, the reply made was that as they had been used on an auspicious occasion they would not be returned; but if he received a reply out and out, he ought to have made a representation to us, and we would have caused the ornaments to be returned. When recently he made a petition a few days ago, we at once pointed out two ways to him: 1st, that he should receive the price in the same way that the others did, or to receive back the ornaments. It is not the business of the Residency to ask that more than the real value of articles should be paid; and, justly speaking, it is not necessary (for the Resident) to interfere in this case. This is written for your information.<br>Dated 5th December 1873. |
| 3 | Case of Mugonlall Hukumchund, of Ahmedabad. Claims balance still due on account of jewels sold in 1871 to His Highness Mulharrao Gaekwar, on the occasion of his marriage.<br><br>Value fixed on the jewels at the time of sale, for which a receipt was taken, Rs. 11,91,047–15–3.<br>Part paid to the firm of Bhaichund, Rs. 6,62,259–4–6.<br>Due, Rs. 5,28,788–10–9.<br><br>The following receipt was obtained by the Gaekwar Government from Bhaichund Wuradhman on behalf of Mugunlal Hukumchund, as preparatory to the payment of the Rs. 11,91,047–15–3:— | In this case the British firm at Ahmedabad trades at Baroda through the Baroda firm of Bhaichund Wuradhman, from whom a receipt for the full value of the jewels was taken by the Gaekwar Government; but to whom about 5 lacs and 28,000 rupees were short paid. A copy of this receipt is produced, signed on behalf of the British firm.<br>Statement of Mohunlal Muggunbhai, aged 21, caste Shrawuk Buneya, residence Ahmedabad, occupation jeweller and banker, on solemn affirmation:—<br>"My father, Muggunlal Hukkumchund, is the head of the firm of Oomaidchund Hukkumchund, which is established at Ahmedabad. We trade at Baroda under the name of Mugunlal Hukkumchund through Bhaichund Wurdhman, also Oomadichund Hulteesing and Gopalrad Myral.<br>"Shortly before the time of H. H. Mulharrao's marriage, 1871, we received intelligence that a large number of jewels were required. Shetaram, the Jamdar Kamdar of H. H. the Gaekwar, applied to Bhaichund to procure some; but as Bhaichund's house had only recently been released from attachment, he was not in a position to meet a large |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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To SHRIMUNT SIRKAR SAHEB.

The following is the humble petition of your obedient servant Mugunlall Hukumchund, jeweller of Ahmedabad:

"Ornaments of pearls, &c., were purchased by the Sirkar from the jewellers for himself, and for Her Highness the Ranee Saheb. On this occasion I sold certain ornaments of pearls, &c., through Gopalrao Myral, by the hand of jeweller Bhaichund Wuradhman. A memorandum showing the ornaments so purchased was made over by the Kamdar of the jewellery department to the Fudnavish, in order that chits for their value might be prepared. Chits were prepared accordingly, the amount of which I was to receive from the Parukhs. In the meantime some difference arose, and consequently the amount of the said chits was credited in the Government Bank called Mulhar Ishwur; but now the above difference has been settled, and the amount which the Sirkar now gives to me through the Government Bank called Mulhar Ishwar, either in cash or by means of orders on other banks, is as follows:—

| Rs. | A. | P. | |
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| 11,87,997 | 6 | 3 | Ornaments belonging to myself which I had credited to my own name, and for which chits had been prepared in my name—amount received accordingly. |
| 3,059 | 6 | 0 | My ornaments were at the house of Gopalrao Myral Parukh. I had these ornaments credited to his name; the chit for them is in his name, and I am to get it on his behalf. (This is the amount of that chit.) |
| 11,91,047 | 15 | 3 | Total. |

"In this way I have duly received the sum of rupees eleven lacs ninety-one thousand and forty-seven, annas fifteen, and pies three, given to me. I have now no dispute whatever with the Sirkar about the transaction connected with the marriage occasion. I have passed this receipt willingly and while in the possession of my senses by the hand of jeweller Bhaichund Wuradhman, and I admit it as true.—Dated Ashad Sood 14th, Sumvut 1928, Saturday. I have paid no bribe whatever to the Karkoon or Kamdars through whom the dispute about the ornaments was arranged and the amount settled, received. This being the case, if on information being conveyed to the Sirkar, the latter punish me, I shall acquiesce in the punishment."—Dated as above. Signature in the Guzerati character in the name of Mugonlall Hukunchund by the hand of Bhaichund Wuradhman.

order. He therefore sent word to me and others to supply some.

"I came to Baroda with some ornaments—some I procured from Bombay. I also redeemed Rs. 65,000 worth of jewels, which my firm had mortgaged to Gopalrao Myral; altogether I collected about 17 lacs of rupees worth, of which about 12 lacs worth were selected by H. H. Mulharrao himself for purchase, and orders were given to the Government Kamdar, Shetaram, accordingly. The price was fixed by Shetaram in the presence of several jewellers at Rs. 11,91,047–15–3. Hurriba and two or three other kamdars were present at the time. In addition to the above, Rs. 595 worth of bracelets were kept on the condition that if required they would be included and paid for. These ornaments have not been returned, and they agree to pay the price; but with regard to the larger amount, I left for Ahmedabad and requested Shetaram to pay the amount to Gopalrao Myral, through whom we had sold the ornaments to the Maharajah, and I also requested that Bhaichund's receipt might be accepted for the amount on my behalf. For this business we contracted a debt with Gopalrao Myral of Rs. 1,89,834–12–0, and we requested Gopalrao Myral to take this amount and pay the balance over to Bhaichund Wuradhman on our account. Bhaichund was also requested to remit the balance to us at Ahmedabad. The chits were prepared and signed by the Maharajah. They were on 14 different banks. Wussuntram Bhow, the new Jamedar, took the chits from the Furnees. He cashed them and credited the amount in the new Government Bank at Baroda called 'Mulhar Ishwur.' Hearing of this we wrote two or three times to Bhaichund Wuradhman to speak to the Maharajah about our being paid. The Maharajah referred Bhaichund to Wussuntram Bhow, and Wussuntram Bhow *took a receipt for the full amount* (*Rs.* 11,91,047–15–3) *from Bhaichund Wuradhman in our name; this was on 1st July* 1871. I produced a copy of this receipt. Eight days subsequently Wussuntram Bhow had Rs. 6,62,259–4–6 paid to Gopalrao Myral on our account in part-payment, and said to Bhaichund Wuradhman that he would have the balance paid up afterwards. On the same date Gopalrao Myral paid Rs. 4,72,424–8–6 to Bhaichund Wuradhman, the balance of Rs. 1,89,834–12–0 being kept by Gopalrao in liquidation of the debt due by us to him. Bhaichund wrote to us and informed us of the above; we wrote to him in reply that the whole of the amount due by the Gaekwar may be obtained and remitted to us. Bhaichund wrote back to say that he demanded the balance from Wussuntram Bhow, but that the latter refused to pay. We requested Bhaichund to get the balance, but he has not as yet done so. The amount of Rs. 4,72,424–8–6 is still in deposit with him. We made no application to the Maharajah or to any other authority, as such course would enrage the Durbar against Bhaichund, who is my father's father-in-law, and he might be deceived. I now pray that the balance with interest may be ordered to be paid by the Gaekwar Government."

(Signed) MOHUNLALL MUGGONBHOY.

The above having been read and explained to the said Mohunlall, is acknowledged by him to be correct.

(Signed) R. PHAYRE,
Baroda, 7th November 1873. Resident.

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Should the evidence now adduced in this and other cases of a commercial character be proved to be true after full inquiry, it is submitted that a close ally of the British Government, such as the Gaek-

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | war is, cannot treat British merchants and bankers, as set forth in this and other cases, without endangering the friendliness of the relations between the two States. Moreover, it would appear that the proceedings of the commercial department of the administration of the Gaekwar State throw light upon the evidence brought forward elsewhere as to the character of the agreements in the Revenue Department, and the confessions, razinamahs, *primâ facie* cases, &c., in the Police and Judicial Departments as *bonâ fide* records of actual facts in such transactions.<br>It was a Baroda subject, Bhaichund Jowere, who in this instance signed for the Ahmedabad firm, a subject who, owing to extensive monetary transactions with the Gaekwar State, is alleged to be entirely under their power. It will be also observed that all these transactions occurred at the very outset of the present Gaekwar's reign, and consequently the mercantile and other classes who have suffered so deeply at His Highness Mulharrao's hands were not aware of the risk they run in making over property of immense value to the persons named in these proceedings; hence is submitted the necessity for protecting our mercantile interests in such extraordinary cases. |
| 4 | Case of Amthabhai Ranchore, British subject, banker of Baroda, Ahmedabad, and Bombay, residing principally in Bombay since the year 1869.<br>Claims restoration of cash and jewels seized by the Gaekwar Government in his house at Baroda, estimated value - - 60,750 0 9<br>Also compensation for loss of credit and banking profits for about five years, owing to the unjust stoppage of his business by attachment 74,500 0 0<br>Total Rs. 1,35,250 0 9 | Amthabhai Runchode, banker of Ahmedabad, Baroda, and Bombay, has submitted a petition to the Resident, in which he states his case against the present Gaekwar Government as follows :—<br>That his father died in Sumvut 1914, leaving a young widow named Bai Mankoo, for whom provision was made out of the estate according to the custom prevailing in the caste; but in 1920 the said widow sued petitioner for half the property, estimated at a lac of rupees, which was awarded to her. Petitioner appealed to His Highness Khunderao against the decision of the Civil Court in this case, and His Highness accordingly cancelled the award and ordered a fresh inquiry to take place. This inquiry did not take place as promised; on the contrary, in Sumvut 1924 petitioner was thrown into prison, and Rs. 35,158–8–0 worth of ornaments were seized by the Gaekwar officials by breaking open his house. Four months afterwards he was released; but his house and banking business were still kept under attachment, notwithstanding the fact that his Ahmedabad partners made frequent applications for its release.<br>He then went to Bombay to seek for redress, and during his absence, his property, to the amount of Rs. 25,591–8–9 was taken from his firm in Baroda by means of "Mohsuls." Thus in all a sum of Rs. 60,750–0–9 was taken from him.<br>In 1925 His Highness Khunderao visited Bombay, where, after hearing petitioner's case, His Highness promised him redress if he returned to Baroda, which he did; and the acting Minister, Limbajee Dada, ordered the whole of the ornaments and cash taken to be restored, and the attachment on his house and business removed.<br>Unfortunately His Highness Khunderao died before effect was given to this order; the ornaments therefore remained in charge of the Senautty for some time. Linbajee Dada, the acting Minister, brought the circumstances to the notice of His Highness Mulharao Gaekwar soon after his accession; and His Highness (the petitioner not being in Baroda at the time) ordered the property to be made over to his goomastas, Bhugwan Madoo and Hurri Vullub Govind, in 1927, with orders to place the whole of it in the petitioner's house, the attachment on which was to be removed as soon as the petitioner Amthabhai returned to Baroda from Bombay.<br>On his return to Baroda shortly after, viz., on Fagun Shood 3rd, Sumvut 1927, he presented a pe- |

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| | | tition to His Highness to restore his property and remove the attachment. The latter was not removed until 1929, and then only at the request of the Resident; but the property, amounting to Rs. 60,750–0–9 in value, has not yet been restored as promised both by His Highness Khunderao and His Highness Mulharrao.<br>Amongst the ornaments which are still in possession of His Highness Mulharao, a portion has been mortgaged to the petitioner's firm by different persons, who are now anxious to redeem their property.<br>Petitioner represents that the loss of credit, banking profits, &c., which he has sustained between 1924 and the latter part of 1929 by the arbitrary stoppage of his business in five shops at Baroda and with his partners at Bombay and Ahmedabad, amounts to about Rs. 74,500, which he claims as compensation from the Gaekwar Government over and above the Rs. 60,750–0–9 worth of actual property seized by Government officials. He has been a British subject since September 1869, a certificate to which effect he holds from the Senior Magistrate of Police, Bombay. |
| | Second claim against the Gaekwar Government, amounting to Rs. 13,300, for loss sustained owing to the unjust attachment of the house and business of Govurdhun Hurgovundass, the partner of Anthabhai. | Amthabhai and his partner Goverdhun are also partners in the Bombay firm of Chimanbhai Maniklal, in which house Bulwuntrao Roholkur some time ago deposited Rs. 70,001, at interest, a receipt for which amount had been duly passed to him by the firm.<br>Early in the present year, His Highness Maharajah Mulharrao demanded the surrender of this amount by this firm, in reply to which the petitioners promised to pay the said Rs. 70,000 if a receipt for the same were furnished to them from Roholkur himself. In consequence of their having made this reasonable request their shop and house were at once seized, their business stopped, and Govurdhun's family was at first turned out of the house, but was afterwards allowed the use of one room. Petitioners were themselves absent in Bombay, but their Goomastas were imprisoned.<br>On this case being reported to the present Resident, about April this year, the Minister was moved to obtain the receipt by the firm to Roholkur, which was done; upon which the Bombay firm immediately paid the Rs. 70,000 to the Baroda State, which it is submitted they could not have done in the manner arbitrarily demanded by the Gaekwar without running the risk of having to pay the amount a second time to Roholkur himself, had he been allowed to retain the original receipt.<br>Petitioners, therefore, submit that, as they committed no fault whatever in this matter, they are entitled to compensation from the Gaekwar Government for the unjust stoppage of their business, &c., as described above, the damage sustained being estimated by them at Rs. 13,300. |
| | The case of the old-established firm of Huree Bhugtee, No. 37 of Schedule II., is submitted as affording evidence of the insecurity of bankers at Baroda under the present administration. | It is submitted that the same arguments used with regard to the previous three cases of this Schedule, setting forth the necessity that exists under the present system of administration for protecting the interests of British subjects, banking and trading with Baroda, are applicable to the cases of Amthabhai Runchore and his partner Govurdhun, herein described. Under a proper system of Government no such extraordinary measures would be requisite; indeed, as a rule, Native Princes are most particular in protecting the commercial and banking interests within their respective spheres of power, and therefore the case of Baroda is exceptional, and attributable to the alleged anarchy that now prevails. |
| 5 | Case of Balwuntrao Gunesh, Mahadeorao Gunesh, Rumchunder Gunesh, the sons of Gunesh Sudashiv, late Minister of the Gaekwar State, from the time of Maharajah Syajeerao to 1861. | The services rendered to the Gaekwar State by the late Dewan Gunesh Sudashiv were of the most distinguished character for a number of years, extending from the time of Syajeerao to Sumvut 1918 (1861).<br>In acknowledgment thereof a Sanad was granted |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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to him in the year 1915 (A.D. 1858), in which His Highness Khunderao stated that in consequence of the Dewan's good services generally, during his tenure of office, more especially in the year of the mutinies (1857), when he was mainly instrumental in obtaining the remission of a permanent expenditure of 3 lacs of rupees per annum, which the Gaekwar State was bound by treaty to pay for the maintenance of the Gujrat horse at Ahmedabad.

It is, moreover, recorded in the same Sanad to the honour and credit of the said Minister, that in consequence of the indebtedness of the Gaekwar State he declined to accept the salary of Rs. 60,000 per annum due to him.

Accordingly in Sumvut 1915 (A.D. 1858) an inam village named Dawut, whose annual value at that time was Rs. 10,000, was ordered by His Highness Khunderao to be given to him, his heirs and successors, for ever; and it was specified in the Sanad that, whether the revenue thereof fall or increase, the fluctuations shall be yours, and you and your posterity shall enjoy of the village uninterruptedly.

A reference having been made to the Government of India to guarantee these proceedings of His Highness the Gaekwar, owing to the nature of the services rendered by Gunesh Sudashiv, Earl Canning wrote in reply to His Highness Khunderao on the 6th February 1860, "that to do so would show " that there was a doubt of your sincerity; and I trust " fully that when the Gaekwar Government makes a " grant of its own free will *the fact is itself a guaran-* " *tee for its continuance, because whatever Your* " *Highness has ever given cannot be taken back.*" This decision of the Right Honourable the Governor General was communicated to Gunesh Sudashiv by the Resident, Sir R. Shakespear, in a highly complimentary letter, dated 1st May 1860, No. 382, to the address of the Durbar. Thus every possible means was adopted to secure the Inam in question to Gunesh Sudashiv and his posterity, whether the revenue fell or increased.

There is a clause in the Sanad above referred to, which, referring to the grant of the Inam, says, "lest " anyone be jealous of you by reason of the above " engagement, we have given you the pledge of the " British Resident for the continuance of the Inam " on the above terms."

Not long after the receipt of Earl Canning's letter, symptoms of the jealousy just referred to manifested themselves; rumours and hints of bribery, &c. came into circulation, and the result was *not* the confiscation of the recently-granted Jagheer, or an open announcement on the part of the Gaekwar of his belief in the accusations brought against Gunesh Sudashiv, but the exaction of a Nazerana of 3 lacs of rupees from the maligned Minister and his retirement from office.

Thus the faults of the Minister, if any, were condoned by the payment of this Nazerana.

Within five years from this time, viz., 1922, the old man died, and his sons succeeded to the estate, but at the beginning of 1924 (1867-68) their right to it was called in question by His Highness Khunderao, on the ground that the grantee, Gunesh Sudashiv, had taken advantage of his position as Dewan to have a village named in the Sanad as worth only Rs. 10,000, when in reality it was worth Rs. 24,000; and, consequently, that all revenue in excess of the former amount would lapse to the Gaekwar State.

The sons appealed to the Resident (Colonel Barr), who pointed out to His Highness Khunderao that he had himself granted the estate in perpetuity, and had especially provided for the probability of its increase in value; and, consequently, that as anticipated, the combined effects of the introduction

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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REVENUE of the VILLAGE of DAVATGAUM for 22 Years.

| Year. | Actual Revenue. | Manager. | Dewan. |
|---|---|---|---|
| | Rs. A. P. | | |
| 1893 | 2,305 10 0 | Gopalrao Myral. | Gunesh Sudashiv. |
| 1894 | 8,969 14 0 | Do. | Do. |
| 1895 | 9,241 12 3 | Do. | Do. |
| 1896 | 8,404 14 0 | Do. | Do. |
| 1897 | 4,762 7 6 | Do. | Do. |
| 1898 | 7,615 10 0 | Do. | Do. |
| 1899 | 9,264 14 3 | Do. | Do. |
| 1900 | 4,544 14 0 | Do. | Do. |
| 1901 | 6,618 11 0 | Do. | Do. |
| 1902 | 7,344 7 3 | Do. | Do. |
| 1903 | 5,351 6 0 | Do. | Do. |
| 1904 | 5,694 6 0 | Do. | Do. |
| 1905 | 5,694 6 0 | Do | Do. |
| 1906 | 5,925 0 0 | Do. | Bhow Tambekur. |
| 1907 | 6,025 6 0 | Do. | Do. |
| 1908 | 10,020 12 3 | Do. | Do. |
| 1909 | 10,189 12 6 | Do. | Do. |
| 1910 | 9,500 0 0 | Granted to brother-in-law by H. H. Gunputrao. | Govindrao Pandurung and Gunesh Sudasew. |
| 1911 | 9,500 0 9 | Do. | Do. |
| 1912 | 9,500 0 0 | Do. | Do. |
| 1913 | 9,500 0 0 | Do. | Do. |
| 1914 | 12,781 15 0 | Do. | Do. |

Chiter on Mahal, Purgunna Baroda.

The village of Dawut being a Jagheer given to the late Gunesh Sudashiv, but under attachment since 1924, having been by an order of the Sir Sooba, No. 1072, dated Magh Sudh 12, Sumvut 1927, restored the revenues thereof as realised for the year 1927, should be refunded to Bulvuntrao Madhowrao and Ramchundra Gunesh, as follows :—

| | Rs. | A. | P. |
|---|---|---|---|
| Arrears on account of outstanding balances at close of 1926 | 497 | 10 | 9 |
| Pay in cash | 5,791 | 2 | 3 |
| Total Rs. | 6288 | 13 | 0 |

of the railway, nine years' good management and outlay on the property, and the introduction of a higher rate of assessment than previously, had more than doubled the value of the Jagheer.

With reference, moreover, to the assertion of the Durbar, that Gunesh Sudashiv had taken advantage of his position to select a village worth more than the Rs. 10,000 mentioned in the Sanad, the evidence of the village accounts was appealed to, as proving that there was no foundation whatever for this assertion. On the contrary, that the increase in value that had taken place was fairly attributable to the causes already stated above. Extract of the accounts is given in the margin, from 1893 to 1914, the year preceding the grant of the village in Inam to Gunesh Sudashiv.

It appears from this document that for the first 17 years, during which the village was under the Kumavisdars, the average receipts were Rs. 6,969 per annum. During the next four years it was given in inam to the Gaekwar's relative, Dada Saheb, at the rate of Rs. 9,500 per annum. In the year 1914 (that preceding the grant) the village was farmed out, and under that system Rs. 12,750 was paid for it. The average receipts of the seven years preceding the grant were Rs. 10,134. During the four years 1906 to 9, when Bhow Tambekur was Minister, and Gunesh Sudashiv had nothing to do with the village, the average receipts were Rs. 8,040 per annum.

Unless, therefore, these accounts are false,—and should such be asserted, the originals should be produced,—it appears clear that, at the time of making the grant, the *bonâ fide* value of the village was Rs. 10,000, as named in the Sanad; and, consequently, that there are no grounds whatever for confiscating the village for the reasons set forth by the Durbar. This charge was not put forth when the three lacs of rupees were demanded on account of alleged bribes taken by the Minister. It is an afterthought, adopted apparently with the direct intention of breaking the solemn promise made in the Sanad, confirmed by the Resident, and alluded to in such strong terms in His Excellency the Viceroy and Governor General's letter of the 6th February 1860, above quoted.

It would appear from the Annual Administration Report of the year 1871, that the Resident, Colonel Barr, had settled this case with the present Gaekwar in favour of the sons of Gunesh Sudasiv, it being stated in the 24th paragraph as follows :—

"He (His Highness Mulharrao) has also restored to the sons of Gunesh Sudasiv the village of Dawut, conferred upon that Minister for eminent services during the Indian mutiny. * * * This village of Dawut was resumed by the late Gaekwar on the pretext that it was very much more valuable than shown in the deed of grant. * * * But the Gaekwar Khunderao was reminded that in the sunud, although a value was named for the village, it was also declared to have been conferred for ever, be the income derived from it more or less."

Paragraph 28. "The sons of Gunesh Sudashiv, however, had no influence at Court, and so the late Gaekwar (Khunderao) could not be induced to continue the village to them. It is very creditable to the present Gaekwar that he has acted thus fairly towards the family, and the more so, because he had nothing to do with the original grant to their father."

This was ratified by the official order quoted in the margin.

The Jagheer had been under sequestration for three years, viz., from 1924 to 1926, both inclusive. The income for those three years amounted to Rs. 73,200–15–0, out of which amount His Highness Mulharrao exacted a Nazerana of Rs. 43,200–15–0, and gave the balance of Rs. 30,000 at Rs. 10,000 per annum to the Jagheerdars.

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | From this it appears that His Highness Mulharrao's restoration of the rights of the Jagheerdars has not been so complete as Colonel Barr believed His Highness had promised. It is true that the village was restored, and the portion of the revenues for 1927 that had been realised by the Durbar refunded, in apparent performance of the promise made to Colonel Barr, and in just recognition of the provisions of the Sanad, but at the beginning of the present year, about the time of Colonel Barr's death, the petitioners were alarmed by the Jagheer being again sequestrated; and their prayer now is that the *bonâ fide* promises of their holding the village in perpetuity, as set forth in the Sanad, may be secured to them, and the village be again made over to their charge.<br>The father of the petitioners, Gunesh Sudashiv, received a village in Inam from the British Government (which the petitioners still enjoy) on account of the distinguished and valuable services which he performed for the British Government, as well as for his own State, during the mutinies. |
| 6 | Case of Sukha Wahala, of Nuldra, in Nowsari. | The facts of the case will sufficiently appear from the following statement made by Sukha Wahala, and the yad addressed by the Resident to the Durbar, No. 2395, dated 7th October 1873 :—<br>Sooka Walla Chowdree, of Nuldra, in Nowsari, states as follows :—<br>"I hold an eight-anna share in the village of Nuldra, of the value of about Rs. 7,000 per annum. In Sumvut 1922, I and some other shareholders in the village borrowed the sum of Rs. 10,000 from Dwarkadass Lulloobhai, the manager of the firm of Warusdass Wittuldass, in Surat, and a bond was executed. I have no copy of that bond; the money was borrowed to clear off old debts, and to meet the expenses of a dispute that was going on between the sharers and one Jugga Amra. One Kooverjee Doolub was at that time farmer of the Mahals of Untapur and Bissunpur, in Nassari, and the aforesaid Dwarkadass was the security of Kooverjee, whose farm was for nine years certain from 1922; and the terms were that if the management were taken out of Kooverjee's hands before the expiration of the above period, he was to be reimbursed for his loss. In 1923 the management was taken away from him, and not only was he not reimbursed for his losses, but it was stated that about Rs. 34,000 was due by him to the Gaekwar Government for arrears of revenue. Kooverjee's security, Dwarkadass, being in Surat, they could not touch him, so the Sooba, Narayen Rugonath, came upon me and desired me to pay to him what I and my fellow-sharers owed to Dwarkadass. I said that I had passed a bond to Dwarkadass, and that if he came with the bond we would pay the amount to him. Upon this Narayen Ragonath attached the whole village, which was under my management: this was in Sumvut 1924. I went to Narayen Ragonath and represented the injustice of the case. Moreover, at that time Kooverjee Doolub was in prison on this same account. Narayen Ragonath said that he would raise the attachment if I stood security for the payment of any sum that may on inquiry be found due by Kooverjee. I refused to stand security for Kooverjee, but Narayen Ragonath threatened to imprison me. In this helpless condition I signed the security bond; Kooverjee was thereupon released, and attachment raised from the village. No inquiry was then made as to the arrears alleged to be due by Kooverjee. Bulwuntrow Yeshwunt became Sooba at the end of Sumvut 1924, and continued there till Sumvut 1925. Bulwuntrow Yeshwunt caused no annoyance to myself or to Kooverjee. But the Sir Sooba of the Mahals, Hurriba Gaekwar, sent for Kooverjee to Baroda, |

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| | | and imprisoned him for the alleged arrears of revenue in Kartig, Sumvut 1925. He remained in confinement for three years, and was then released on bail. Up to that time no demand of any kind was made on him by any of the Soobas who succeeded Narayen Rugonath, viz., Bulwuntrow Yeshwunt, Goolam Kadur Moonshee, and Gopal Myral. In Sumvut 1928, Sevajeerow Khunvelker, *alias* Nana Sahib, became Sooba of Nassari, and sent Narayen Ragonath as his deputy; and as the latter had feelings of enmity against me, he revived the old question of my security for Kooverjee, and attached my house and crops; this was in October last year. Within the last few months this Narayen Ragonath has himself become Sooba, though the real power as such remains in the Minister's hands. The cause of Narayen Ragonath's enmity against me is as follows:—In Bhow Scindia's time (1925) Kooverjee made a complaint to the Gaekwar Government that Narayen Ragonath had taken bribes, and amongst others, one of Rs. 3,000 from me; this was proved by the account books, and he was removed from Naosari to Puttun. The other reason why Narayen Ragonath has now gone against me and attached my property is, that our opponent, Jugga, moved Narayen Ragonath to revive the question of my security and thus ruin me. This he himself gave out. The crops were sold by auction last March, and I have been prevented from cultivating my land this year also; the consequence is that I and my family are starving. I have never been credited with the proceeds of the former attachment or this. Last year my house was attached and valued, but I was allowed to live in it; but last month Narayen Ragonath has attached my cattle and all my movable property, such as grain, &c. I am reduced to extreme poverty. I have represented this frequently to the Durbar, Wirisht Court, and Sir Sooba, &c., but without obtaining justice."<br><br>YAD No. 2395.<br>YOUR HIGHNESS,<br>I HAVE twice written regarding the case of the Parsee Bapoojee Cursetjee, &c., and on the last occasion I sent a *primâ facie* case to you, making certain demands in the name of public justice.<br>I now write once more, and request an answer within 24 hours; in default of which I should refer the matter to Government for their orders.<br>There is ample evidence to show that, independently of the case of Bapoojee Cursetjee, which is bad enough, Narayen Ragonath is not a fit man to be entrusted with any authority whatever. His conduct in Puttun, as already represented to you in my Yad, No. dated ultimo, and again his conduct in the case which I herewith forward for your consideration, affords sufficient proof as to what kind of man he is.<br>This is not the only instance in which Your Highness has failed to give me an answer regarding cases that have been more than once referred to you for information.<br>(Signed) R. PHAYRE,<br>Baroda, 7th October 1873. Resident. |
| 7 | Case of Bhanabhai Lalbhai, a British subject, with whom the Gaekwar Government made a contract in the year 1863, to furnish boundary stones, defining the operations of the Revenue Survey in the Gaekwar's district of Naosari.<br>Original expenditure stated at - - Rs. 2,65,700 A. 0 P. 0<br>Interest from June 1865 to October 1869 - 1,03,623 0 0<br>Travelling and law expenses - - 7,000 0 0<br>Total claim Rs. 3,76,323 0 0 | This case has formed the subject of correspondence with the Resident since the year 1865, and with the Bombay Government since 1868. Bhanabhai Lalbhai is a British subject residing in the Surat Zilla. It appears from a letter of Mr. Rogers to Colonel Barr that Bhanabhai was a contractor for boundary stones of the Guzerat Revenue Survey; and that on the commencement of the Revenue Survey of the Gaekwar's district of Naosari, Bhanabhai ordered the Sir Sooba of that district to contract for the supply of stones required for boundary marks, whereupon the Sir Sooba addressed the |

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following letter to Mr. Rogers, then Collector of Surat, dated 25th November 1863 :—

"Bhanabhai Lallbhay, a Dessai of Bulsar, having contracted to supply for boundary marks for the survey operations now being introduced into the Mahals of the province under the orders of His Highness the Gaekwar, I request that no obstruction may be offered to him in bringing stones from Bulsar, and delivering them to the survey officers. The favour of a reply is requested.

"(Signed) GOPALRAO MYRAL,
"Sir Sooba."

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The agreement or contract above referred to is as follows, and bears the same date as the letters, viz., 25th November 1863 :—

From the Assistant in Charge of the Survey of the Gaekwar's District of Nowsari.

Seal of the Revenue Survey Assistant, Southern Division.

To Rajeshree Bhanabhai Lallbhai, Dessai, Contractor for the Supply of Stones.

"You have entered into an agreement to supply stones for the survey operation, and it is agreed to give you eight annas as the price of each stone. You are therefore required to supply such number of stones at such place and within such period as may be specified in the orders which will be handed to you. You should not give stones for any other purpose without our permission. In case you fail to supply stones within the prescribed period, and the survey operations be thereby obstructed, you will be held responsible for the same. If you bring more stones than the number we may order, we shall not be answerable for them. This is given to you to serve as a proof.

"(Signed) BAPOOJEE BULLAL.

"P.S.—You should bring stones to any station (railway) that we order. Stones of the length of from 22 to 24 inches will be taken.

"(Signed) BAPOOJEE BULLAL."

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Bhanabhai received orders to bring 40,000 such stones as described in the contract up the Naosari creek, about two miles above the town, which he did in boats hired for the purpose; but during the year 1864 only about 4,500 were taken, upon which he went to the Durbar to complain and ask for the Rs. 20,000 due to him upon the whole number according to agreement.

The Revenue Sir Sooba, Hurriba Gaekwar, replied to the petitioner Bhanabhai's appeal in the following letter, No. 557, dated Karteek Wud 8th, 1921 (November 1864), addressed to the Sir Sooba of Naosari (or Surat Attavesi) :—

"Last year, when the survey operation was introduced into the districts under your control, Desai Bhanabhai Lallbhai, of Bulsar, had entered into an agreement to supply stones for boundary marks being fixed; but as there was no occasion at that time to take stones from him, the Dessai preferred a claim for damages or compensation, which claim was rejected by the Sirkar after inquiry. The survey operations having been recommenced in the province of Naosari this year, you are requested to take stones which may be required for boundary marks from Bhanabhai. It rests with the ryots to make boundary mounds either of earth or stones; the ryots should therefore be informed that they should take any stones they may require from the aforesaid Dessai, and the value of such stones should be recovered by us from the ryots and paid to the contractor at the rate formerly agreed upon. The stones should not be taken from any other person, and the necessary instructions on the subject should

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be issued to the officers in charge of districts. The value of the stones taken from the Dessai last year should also be recovered and paid to him (the contractor) as well.

" (Signed) HURRIBA GAEKWAR,
" Revenue Sir Sooba."

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Upon the receipt of these orders Bhanabhai returned to Naosari, and was ordered by the Sir Sooba, Gopalrow Myral, to proceed with the work of providing boundary stones for each Purgunna of the Naosari Zilla; and he states that within about six months, ending about May 1865, he provided the following numbers of stones in the Purgunnas specified, viz.:—

| | |
|---|---|
| Already provided | 40,000 |
| For Murrowti | 60,000 |
| Tailari | 80,400 |
| Gundavri | 40,000 |
| For Timba | 40,000 |
| For Kamraj | 36,000 |
| Wusraú and Gurra | 1,30,000 |
| For Mhowa | 40,000 |
| For Nasoari | 5,000 |
| Bullasu | 50,000 |
| Total | 5,31,400 |
| Value | Rs. 2,65,700 |

The complainant Bhanabhai explains that, in addition to the 40,000 stones referred to as having been brought by him to Naosari, he had on hand about 1½ lacs in addition in the Pardi, Dungri, and Parnera quarries, near Balsar, which he brought into use.

In addition to working these quarries he at once opened new ones at the following places in British territory, Surat Zilla:—Turban, Surbain, Bardoli, Bagejea; and also at the following places in Gackwar territory:—Dunori, Narodia, and Vusravi.

He states that he executed the work with the Deccan establishments which he had when doing the contract work of the British Government; but that he got some additional Wuddars from the Deccan for the work under reference. He produces an agreement which he made with these Wuddars (Bildars).

Complainant explains that Sir Sooba Gopalrao Myral left the Naosari Mahal about February 1865, after he had been going on the second time for three or four months. His successor was Gunesh Rughoonath, and being apprehensive that some alteration in Gopalrow Myral's arrangements might take place, he, accompanied by the Bildars, waited upon Gunesh Rughoonath at Visona, in Naosari, and requested him to pay what was due for stones already delivered to the ryots (who had been taking away the stones as they were required), and that in future cash payments should be made when the stones were removed. At this time the work was stopped in consequence of the unsettled state of things. Gunesh Rughoonath said that under the terms of the contract Bhanabhai could not claim payment before the completion of the work, and that he would be held responsible for any cessation of work that might take place so as to affect the survey operations. At the same time Gunesh Rughoonath issued the following order direct to the muccadums of Bildars in the service of Bhanabhai:—

" The contractor has made it a rule to issue stones on cash payments by the ryots, but this course will put the ryots to inconvenience, and they object to the Sirkar having their new khatas or holdings settled. We have therefore made it a

Mhawud 3rd, 1921.
February 1865.

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | rule that such stones should be issued without payment, and that an account of the same be kept by you. You should only receive a fee of one anna per each stone which may be brought by you from British territory, and in this way you should give 16 stones for a fee of one rupee. The Sirkar will give to the contractor the value of the stones according to the agreement made with him. No objection to be made in issuing stones to the ryots.<br>" (Signed) GUNESHROW RUGOONATH,<br>" Veesona, Tailree Purgunna, Sir Sooba.<br>" Mhawud 3rd, 1921." |
| | Hurriba Gaekwar, Narayenbhai, and Bulwuntrao are members of the present administration. See case of Muggunlall Hukumchund, No. 3 of this Schedule, for a parallel instance, a receipt having been demanded for nearly 12 lacs of rupees, and only six paid.<br>If this statement be true, and I have not the least doubt of its being so, owing to the evidence of a similar kind that has been recorded, the onus of not fulfilling the agreement in 1863 lies with the Gaekwar Government; that act has been the sole cause of the complainant's ruin..<br>A highly respectable man has been deprived of his Wuttun, and in short complete ruin and desolation have been brought upon him under the circumstances related.<br>Even after so many years' delay, Bhanabhai is willing to come to reasonable terms, such as he petitioned the Durbar for in June 1865, and it is this act of justice which he now solicits at the hands of the Commission. | After this the work went on as before, and by June 1865 it was completed, as above stated, when payment was demanded from Gunesh Rughoonath. No particular amount was mentioned at that time; all that the contractor asked was settlement of account, which would at that time have been easy through the medium of the contractor's own accounts of what had been given to the ryots and the accounts of the survey. Gunesh Rughoonath took the contractor to Baroda, and the latter waited upon him daily for about a week, soliciting him to compare his accounts with the survey maps and records, but he did not do so. At last Gunesh Rughoonath and Narayenbhai and Bulwantrow Deo proposed to the contractor to sign a receipt in full of all demands by way of commencing the settlement solicited. Bhanabhai replied that as yet he had not received a single pie, nor had his accounts been made up, and how could he sign such a document. The three persons in question replied that this was his only plan of getting paid at all; that half his bill would be paid to him, and that he must promise not to complain to the Maharajah about the other half. They added, you only understand the English system; this is the Gaekwaree way of doing business. Some friends told him that, do what he might, a receipt would be extorted from him; so, fearing such a result, he fled at once to Camp, and afterwards went to Surat and complained to Mr. Cameron, the judge and agent.<br>Mr. Cameron took the matter up in August 1865, and wrote to the Resident, Colonel Barr, requesting that Bhanabhai's claims might receive notice from him. The only action taken at the time by the Gaekwar was as follows:—Bhanabhai held a Dessaigiree Wuttun in the Tailari Purgunna of the Naosari Zillah, the emoluments of which consisted of Rs. 2,400 in cash, an Inam village and lands. Bhanabhai resided at Bulsar, in British territory, and had a deputy on the Tailari estate. About November 1865, within three months of Mr. Cameron's reference, the deputy was turned out, and the Wuttun of the family attached, including house, &c. This was ancestral property, and had been in their possession for 100 years. The attachment still continues. Bhanabhai explains that other Wuttuns had been attached with the general attachment, but that his had not been so. He therefore regards this act of the Gaekwar Government as distinctly connected with this reasonable appeal to the British authorities for redress regarding the boundary stones.<br>No reply having been given by Colonel Barr to Mr. Cameron's letter of August 1865 by the end of 1865, Mr. Hope, the Collector of Surat, took the matter up and requested Colonel Barr to expedite a reply to Mr. Cameron's reference. This was in January 1865. In February 1867 the complainant went himself to Baroda and petitioned Colonel Barr, stating his claims for the first time at Rs. 2,65,700. No satisfaction having been obtained at Baroda, he petitioned His Excellency the Governor in August 1868, and in November of that year Mr. Hope thus wrote on the subject to the Resident, Colonel Barr: " I have on " several occasions conversed regarding Bhanabhai's |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | " case with both Major Prescott and Mr. Rogers, " who were personally acquainted with it, and have " not the slightest doubt of the truth of his claim, " and of his having been corruptly defrauded of his " just dues by the Gaekwar officials, &c., &c., &c."<br>From that time to the present the whole matter has been subject of reference to and from Government. In their resolution No. 9, dated 5th January 1870, the following resolution was issued, para. 1 : " The Resident should be informed that it would " seem clear from the inquiries which have been " made that the claim of the petitioner is not with- " out some substantial foundation. That he should " consequently exert his influence to procure a " satisfactory settlement, and remonstrate strongly " if any further evasion is attempted on the part of " the Durbar. The fact whether any stones were " ordered and supplied should be ascertained from " the Durbar's records, and the object of requiring " the petitioner to go to Nassari to point out the " stones which he had given to the ryots is not " apparent." (A report on the whole case by Mr. Hope accompanies this resolution.)<br>In January of the present year the Government, after further correspondence, passed the following resolution, No. 460, 23rd January 1873 :—<br>" The Acting Resident should be directed to bring petitioner's claim to the notice of His Highness the present Gaekwar, under whose consideration the subject has not yet apparently been brought, and to state that Government consider that it is undoubted that petitioner did supply stones to the ryots on the Durbar's account, and that he is entitled to proper remuneration, and that Government trust His Highness will order an equitable settlement to be made." |
| 8 | Case of Jetaram Oojanram, of Puttun, on behalf of his brother Futteram, late Fouzdar of Puttun, illustrating the nature of the Nazerana system and sale of judicial appointments.<br>*Vide* also case of Jetabhai Dullabhai - - - No.<br>" Case of Dulput Prema "<br>" Case of Wussoodee Shivram - - " | The petitioner's statement in the case is as follows :—<br>" I practise as a vakeel in the Durbar Courts. My brother Futteram was Fouzdar of Puttun. He has recently been convicted of torturing certain people, and has been sentenced by the Baroda Fouzdar to imprisonment. My brother Futteram obtained the appointment of Fouzdar of Puttun in April last. He had to expend Rs. 7,000 to obtain this appointment, namely, Rs. 4,000 as Nazerana to His Highness the Maharajah, and the rest as a bribe to Bulwuntrao Yeshwunt and the Minister. I and my brother both paid the total sum of Rs. 7,000 in May last to Bulwuntrao Yeshwunt at his house. The latter was alone. I produce an original order of the Durbar signed by Bulwuntrao Yestwunt, No. 498, dated Veishak Shud 7th, Sumvut 1929, being a receipt for Rs. 3,000 credited in His Highness' accounts as nuzerana. I also produce copy of similar receipt of the same date for Rs. 1,000 in the name of Jorabhai Hurrubjee, of Puttun, from whom we borrowed that sum."<br>(Signature of deponent.) |
| 9 | Case of Govindram Kasiram, late Fouzdar of Kurree.<br>Compare case Jetaram Oojanram, No. 8. | The petitioner's complaint appears from the following statement, made on solemn affirmation before the Resident :—<br>" In last January I gave Rs. 3,500 as Nazerana to His Highness the Gaekwar for the appointment of Fouzdar of the Kurree Mahal for five years certain, and I gave Bulwuntrao Yeshwunt, the Sir Fouzdar, the sum of Rs. 2,000 that I should not be interfered with in my five years' appointment. I paid this Rs. 2,000 as follows : Rs. 1,600 in cash and Rs. 400 by a promissory note that I would pay the amount shortly. Until I gave this note to Bulwuntrao Yeshwunt he prevented my joining my appointment. Eventually I got orders to leave Baroda in May last. I went to Kurree and received charge, but I was not allowed to carry on work longer than last month, September, when I was ordered to be imprisoned and sent to Baroda, but having heard of |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | this order I came here and asked Bulwuntrao Yeshwunt why I had been sent for. He replied that I had to be sent to the Sir Fouzdar of the northern district on business connected with my father. I represented that if I were taken away from my duties I should be ruined; that my father was alive and ready to answer for himself. Bulwuntrao Yeshwunt in the meantime appointed a relative of his own, named Rughoonathrow Narrayen, to act for me. My house in Kurree was attached, and all my property and my father's house in Puttun. Private papers were taken away, as also my mare, worth Rs. 200. I received an honourable appointment from the Government, but have been ruined by the private enmity of Bulwuntrao Yeshwunt. I claim either that I shall be allowed to return to my appointment, or that my Rs. 3,500 and Rs. 1,600 may be returned to me. I borrowed this money through the security of a Sidhpur Bania named Hurgovind Nurseram, who is now in Baroda." |
| 0 | Case of Wussoodeoraw Shivram Deolekur, of Baroda.<br>Also ex-Vahivatdar.<br>Compare preceding cases. | The petitioner's complaint appears from the following statement made on solemn affirmation before the Resident:—<br>"The Mahal of Kural was farmed out to me by the Minister Nana Saheb Kanvelkur for five years certain from Sumvut 1929. I agreed to pay Rs. 2,101 annually to the Sirkar, over and above the revenues realised for the year Sumvut 1928. I signed an agreement on 29th June 1872, a copy of which I produce. In consideration of Nana Saheb having given me the farm, I agreed to pay him as Sookree Rs. 2,000 annually on his private account, and a private agreement was made to the effect, dated 31st June 1872, copy of which is annexed. One or two days before this agreement I paid Nana Saheb Rs. 2,000 for the first year in advance. I borrowed this sum from Muggunlal. I took the money to Nana Saheb's house. There were present at the time Nana Saheb, Govindrow Luxemon his Karkoon, Bulwuntrao, and Bhaskerpunt. Govindrow informed Nana Saheb that Rs. 2,000 for the Kural Mahal had come, and he ordered it to be received. A day or two after this, I received an order appointing me to the Kural Mahal, and I sent my Karkoon to receive charge, and I went myself about four or five months afterwards, and stayed for 10 days or a fortnight. I did not reside there permanently, but came backwards and forwards to Baroda. In February last a Mohsul of Rs. 20 per diem was issued to make me pay Nana Saheb's private Sookree for the year Sumvut 1930 in advance. The Mohsul remained three days, and was only withdrawn when on the fourth day I paid Rs. 1,000 worth of gold to the Minister Nana Saheb. In April last a Karkoon named Baboorow Krishna was sent to me by Nana Saheb with instructions that he was to manage the Mahal for me. I protested against this, and said that I had the Mahal for five years certain, and that if this was insisted on, the Sookree I had paid should be returned to me. I often waited on Nana Saheb, but could not see him except once or twice, when I received an unsatisfactory reply. That Karkoon was never recalled. The sum total of my claims against the Minister and Baroda Government are as follows:— |

| | Rs. |
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| Sookree paid to Nana Saheb - - | 3,000 |
| Interest on ditto - - - | 400 |
| Security expenses for two years - - | 400 |
| Compensation for loss of pay for unexpired portion of contract - - | 4,000 |
| Total - - | 7,850 |
| Deduct received from farmed villages of Sumra and Sumri - - - | 285 |
| Balance due - Rs. | 7,565 " |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| 11 | Case of Bulwuntrao Luxmon, sayer contractor of Jerode.<br>Compare preceding cases. | The particulars of this case are fully shown in the following Yad addressed to the Durbar, No. 2463, of 16th October 1873 :—<br><br>YOUR HIGHNESS,<br><br>IN my Yad No. 2140, of 12th ultimo, I represented the case of Bulwuntrao Luximon, namely, that he had been deprived of a sayer contract of the villages of Jerode and Waghoria before the term of his contract had expired, and requested Your Highness to do him justice. In reply to this, your No.2044, of September 28th, with accompaniments was received, and it was stated therein that the reason for discontinuing the contract was that the former had not furnished the required security within the period fixed upon in the agreement, namely, 24th June 1873, the contract itself having been sold to petitioner on 27th May 1873 for Rs. 11,600, and this sale having been confirmed on the 7th June 1873. The petitioner signed a document agreeing to produce the security by the evening of 24th June, with a stipulation that if he did not do so, the contract might be re-sold. He did not furnish the security until 1st August 1873, when it was duly accepted by the Vahivatdar, under orders from the Sir Sooba, Hurriba Gaekwar, himself. Moreover, an order was addressed to the petitioner, Bulwuntrao Luximon, dated 2nd August, and also to the Karkoon in charge of the sayer revenue duties, that he should take charge. Moreover, agreement was taken from him, dated 21st July 1873, confirming the contract on him for one year, and fixing the instalments which he was to pay. Thus the petitioner was duly installed into the office of the contractor by the Sir Sooba himself; and the original agreement regarding the production of security by 24th June was cancelled by subsequent proceedings on the part of the Durbar. The above is the petitioner's case as proved by documents now in his possession, copies of which are annexed. Notwithstanding, however, the above statement of facts, the action taken by the Sir Sooba, Hurriba Gaekwar, is as follows :—He produces a document, dated 23rd July, only two days subsequent to the latest agreement made with the petitioner. This document is to the effect that, as the petitioner failed to provide security according to the original agreement of 24th June, he had forfeited his right to the contract. The petitioner denies having ever received this order; but it will be clear to Your Highness that, even had he received it, it was cancelled by the Sir Sooba's own arrangements of 1st and 2nd August, directing the petitioner to take charge and accepting his deposit, and therefore that the production of this document by the Sir Sooba, in justification of his conduct, is manifestly very wrong, and ought not to have appeared in a public document addressed to the British Government. I have now seen many cases of this kind in which faith is not kept with Vahivatdars and farmers of all kinds, and that high officials appear to do great injustice by re-selling contracts as has been done in the present case. So long as this want of good faith continues there cannot be any proper conduct of business throughout the State, and as the bad conduct of the Sir Sooba, Hurriba Gaekwar, is clearly proved in this instance, I hope that Your Highness will listen to my advice and commence the so-much-needed reform in every department of your State, by reinstating the petitioner, Bulwuntrao Luximon, whose security money is at the present moment lodged, with the bonds, in the hands of the Senautty himself, who is the Vahivatdar of the Mahal.<br><br>No reply to this Yad has been received, and the petitioner is without redress. |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| 12 | Case of Narrayen Purshotum and others of the village of Sukra, Baroda Purgunna. | The particulars of this case fully appear from yad to the Durbar, No. 2420, of 11th October 1873, of which the following is an extract :—<br><br>YOUR HIGHNESS,<br><br>PATELS Narrayen Purshotum, Jewun Nuthoobhai, Bapoo Umta, and Harribhai Purshotum, of Sookra village, under the Baroda Purgunna, have brought to my notice the following distressing circumstances, in the hope that Your Highness may give them immediate relief from the injustice and oppression to which they have been subjected by one Gopal Kashee, a resident of their village, who is supported by Nutwalal, Thanedar, Luximeedass Rughoonath, the Police Patel, and Jalalbhai, Havildar. Their case appears to be as follows :—Their families have been proprietors of the fifth part of the Sookra village from time immemorial. They inherited this from their uncles, Nuthoo Narotum, Rojeedass Nurseedass, and Mahadev Nurseedass, as will be seen from the accompanying lineal trees. They have also been in possession of the property for upwards of 20 years. In Sumvut 1921 the land in their village was assessed for 10 years at Rs. 8 per koomba, and securities were taken from them for the payment of that rate on all the lands belonging to these persons. Notwithstanding these arrangements, the land was re-assessed in Sumvut 1923, and Rs. 9–8 per komba were fixed. This increased assessment has been paid without any demur whatever, but notwithstanding this submission on their part, Gopal Kashee, supported by the above-named village authorities, has demanded from them a few koombas of land as a bribe, otherwise he would attach their claim to the property which they had inherited from their uncle. The three Patels refused compliance with this man's request. A report was therefore made to the Durbar in Sumvut 1925 that the three Patels in question were in the enjoyment of heirless property, and that if the same were made over to Gopal Kashee he would pay a Nazerana at Rs. 6,000. The Durbar gave immediate orders that Gopal Kashee was to be put in immediate possession of the said land ; and Gopal Kashee, taking the order with him, came to the village and seized Narrayen Purshotum, and requested him to sign a paper without informing him of its contents. Narayen Purshotum declined to sign ; whereupon he was threatened with severe punishment, to avoid which he and the two other Patels fled to the neighbouring village of Dodka.<br><br>Gopal Kashee then took possession of the lands belonging to the aforesaid Patels, as well as the standing crops on them, to the value of Rs. 3,864–8. In addition to this the said Gopal Kashee in the same year, Sumvut 1925, forcibly extorted Rs. 2,321 in addition, and in 1927 Rs. 2,236, forming a grand total, Rs. 6,072. He has also taken away 200 cartloads of manure, and realised for the fruits, vegetables, timber, &c., Rs. 3,000 for the last five years. In Sumvut 1926 the said Gopal Kashee took possession of the complainants' houses. The complainants state that they have frequently sought redress from the Durbar without success, and at last, through sheer helplessness, they offered last year to give the said Gopal Kashee the sum of Rs. 6,000 if he would hand over to them their land, which he did last year, but kept back 14 koombas for his own use. He has made the following entry regarding this transaction in their account book :—<br>" That in consideration of having received the sum<br>" of Rs. 6,239, the said Gopal Kashee has sold to<br>" the complainants all the land forming their de-<br>" ceased uncle's share of the ancestral property of<br>" which he had received charge on payment of the<br>" Nazerana." Although the said Gopal Kashee charged the complainants Rs. 239 as interest on the |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | These cases from 8 to 12 are submitted as evidence of the working of the present administration in the Gaekwar districts. | Nazerana and entered the same in their book, he has again within the last day or two extorted the sum of Rs. 1,455 from the complainants' securities, under the pretence of its being further interest on the Nazerana, and the securities now threaten to sell complainants' houses, &c. Altogether Gopal Kashee has deprived the complainants of about Rs. 16,000 worth of property, details of which have been furnished. |
| 13 | Case of Thokore Deepsingjee and others, of Umrieli in Kattiawar, represented by their Vakeel, Valee Tar.<br>This important case illustrates the difficulties under which Gaekwaree landholders in remote districts in Kattiawar labour in regard to the administration of justice. This is one of those cases that threatens the peace of the neighbourhood in which it has taken place; hence the necessity for careful action on the part of the Durbar regarding it. | The facts of the case appear to be as follows, as already brought to the notice of His Highness the Gaekwar in a yad, of which the following is an extract:—<br>The village of Manpar has, from time immemorial, belonged to the four Thakors named in the margin, the three first of whom have a seven-anna share in the rupee, and the fourth a nine-anna share; and it appears that up to the year Sumvut 1925 these shares were enjoyed by the whole of the sharers without any dispute whatever. It should also be stated that the Gaekwar Government had no share whatever in the village up to that time.<br>1. Gogharee Purtabsingjee Melabhai.<br>2. Bajeebhai Melabhai.<br>3. Dupsingjee Melabhai.<br>4. Khetabhai Pothabhai.<br>It appears, however, that in the year Sumvut 1924 (A.D. 1867–68) a survey was commenced on behalf of the Gaekwar Government, when Balwuntrao Deo (the present Judge of the Varisht Court at Baroda), who was then Komavishdar of Umrieli, conspired with the fourth sharer, Ketabhai, in consideration of a bribe which the latter is said to have given him, to enter 3,000 beeghas of Gaekwar Government land out of the village of Shapur into the limits of the village of Manpur, and 2,000 beeghas of Government land from Mewasa was represented as belonging to the said Khetabhai.<br>Khetabhai gave Bulwantrao Deo Rs. 40,000 on account of this transaction, without the knowledge of the other three sharers, who only came to know of it when Khetabhai demanded from them the sum of Rs. 20,000, the half-payment of the above bribe. They at once refused to pay the amount, stating that they would never consent to the participation in such a fraud, which, if found out, would of course deprive them of their village of Manpur altogether.<br>Khetabhai, becoming alarmed at this state of affairs, and fearing lest his co-sharers should complain against him, forged a bond purporting to be signed by the three first-named sharers for Rs. 16,000, which he alleged had been given by them in part payment of the above-mentioned fraudulent transaction; he also at the same time raised a fictitious dispute about certain land, and on these grounds refused to pay the first-named sharers their share of the produce.<br>Up to the present day the alleged bond for Rs. 16,000 has never been shown to the three sharers aforesaid.<br>One of them, Purtapsingjee, represented the above circumstances to the Vahivatdar of Umreili, who immediately attached the village of Manpur on behalf of the Baroda Government, the produce of the village being deposited with the Shahookar, and on the 13th of the month of Aso-Wady, Sumvut 1928, the Vahivatdar passed his decision on the matter, a copy whereof is annexed.<br>According to this decision the three first sharers went to receive their shares of the produce of Manpur, when Ketabhai, having collected about 50 persons, came to prevent their doing so, and at the same time preferred a false compiaint to the Fouzdar that one of his servants had burnt a stack of hay. Up to the present time the matter has not been settled. |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | The three first-named sharers then proceeded to Baroda on the 5th Poosh Vudya, Sumvut 1928, and reported the matter to the Hoozoor, whereupon an order was issued to the Wywutdar to continue the attachment as before.<br>On the 11th of Falgan Vudya, Sumvut 1929, the three petitioners again represented the case to the Hoozoor, when an order was issued to the Sir Sooba, Hariba Gaekwar, that the attachment should remain in force pending the settlement of the case; but Khetabhai won over Narayenbhai, the Kamdar of the Sir Sooba, to his side by means of a bribe, and consequently Narayenbhai suppressed the report of the three petitioners, and urged Khetabhai to petition the Hoozoor that the attachment might be removed. This petition went to the Hoozoor Kambar, Balwuntrao Deo (the former Vahivatdar of Umreili); consequently they decided that until the three petitioners proved that Government land had been taken by giving a bribe, the estates should not be under attachment. They therefore removed the attachment, and thus having fallen into the hands of their enemies, who became their judges, they have been unjustly deprived of their rights up to the present moment.<br>If Your Highness will now read Vullee Tar's statement herewith attached, you will see how this unfortunately notorious case stands at the present moment, and I trust you will order its being inquired into and settled by an impartial tribunal.<br>No reply has been received from the Durbar to this yad.<br><br>Statement of Vallee Tar :—<br>"For the last eight years I have served as Vakeel and Kamdar for the three Moolgirasias of Ruttunpur, in the Umreili Purgunna, Kattiawar. My father filled this office before me. I arrived in Baroda last March in order to represent to the Gaekwar Government a case of gross injustice which has been done to my employers, and which has been under representation to the Gaekwar Government for the last four years or so. Within a week of my arrival I handed in a petition to H. H. the Maharajah, who endorsed it with an order for the Sir Sooba, Hariba Dada, to inquire into it. I took the Shera to Narayenbhai, who told me to come the next day. I went the third day, when I was told that the matter had been referred to the Vahivatdar of Umreili. I then presented a second petition, because the attachment had been raised in favour of one Khetabhai Pathabhai. In reply to this an order was received for the continuance of the attachment. This was in the month of April last. This favourable decision was communicated to my clients in Kattiawar. Seven days after this the defendants in the suit petitioned for the removal of the attachment again; and H. H. the Maharajah being sick at that time, Balwuntrao Deo, one of the judges of the Varisht Court, took the opportunity of raising the attachment again in favour of my opponents. Shortly afterwards I presented a petition to the Maharajah, representing that the conflicting orders just referred to had been passed in this case; in reply to this I was informed that the last decision was confirmed. I then made a petition to the Resident representing the whole case, which was returned to me with an endorsement that I should complain to Colonel Walker, the Assistant Resident in charge, Umreili. A petition was accordingly made to the Assistant Resident, who requested the Vahivatdar of Umreili to send to him the papers of the case. On this the Vahivatdar requested instructions from the Hoozoor as to whether the papers of the case were to be sent to Colonel Walker, as desired by that officer. I was often sent for by Hariba Gaekwar, the Sir |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | Sooba, who told me that I must give a penalty bond promising to pay the sum of Rs. 20,000 if I failed to establish my case, including the charge of bribery against Balwuntrao Deo, and also to enter into a personal recognizance in the sum of Rs. 2,000 for my presence. I signed the documents as requested, and the case was sent into the civil court of Nanajee Yeshwunt. He looked into the papers of the case, told me that my case was just, and that he would speak to the Maharajah on the subject. Shortly afterwards Nanajee Yeshwunt took me to the Maharajah in Durbar. The Maharajah told me that I must produce three powers of attorney from my clients, each on four-rupee stamp, instead of the half-rupee stamp that I had produced. This was complied with at once, and then the case was ordered to proceed. Upon this Balwuntrao Deo attacked Nanajee Yeshwunt about reviving the case, and accused him of having taken a bribe in connexion with it. Nanajee Yeshvant retorted, and a row occurred between the two judges, each accusing the other of taking bribes, and this lasted for about two hours and a half, and no other case was tried. This is a well-known fact. Next day the defendant put in a petition that Nanajee Yeshwunt had been bribed, and expressed his unwillingness to allow the case to be proceeded with in his court. On this the Maharajah re-transferred the case to the High Court, of which the accused Balwuntrao Deo was himself a Judge. I then petitioned the Resident, and stated my unwillingness to go to the High Court under all the circumstances of the case. I was examined by the Assistant Resident, and the Resident forwarded my petition to the Durbar. A day or two after this I was sent for by Apa Sahib, the son of Babajee Yeshwunt, the Sir Fouzdar. He asked me whether I had made any petition to the Resident. I answered in the affirmative; on this I was sent in charge of a Karkoon, Kesharao Manick, and a police peon to Balwuntrao Deo and Narayenbhai, who asked me whether I petitioned the Resident. I answered that I had. They then asked me whether I had referred to a khurita of Gunputrao Maharajah in which he had promised to turn out all his servants who had been discharged by the British Government for misconduct. I said that I had referred to that khurita, on which Balwuntrao Deo told me that I was liable to ten years' rigorous imprisonment, and ordered me to be taken away and imprisoned in a cell in the Fouzdar's kutcherry. Two Karkoons and six police peons were then sent with me to my house, and they seized all my papers and took them to the Fouzdar, and I was sent back to prison. I remained there for fifteen days, and was only released on a demand from the Resident to know why I was imprisoned. I was then discharged. My duftur was then re-returned to me and I passed a receipt for the same. I found on subsequent examination that copies of three petitions that I made to the Resident and some letters that I received from my employers and friends in Kattiawar are missing. I then obtained permission from the Resident to reside in camp, and have been here ever since.<br>On the 20th of August I represented the whole of my clients' case to the Resident and solicited his interference in the matter, because, as shown above, I could not obtain redress from the Durbar. I have not received any reply as yet to that petition. |
| | *Note.*—It is quite true that the Vakeel was imprisoned on account of his having come to the Residency to represent his case, and he was only released on the Resident's demand. | |
| 14 | Present state of the relations of the Gaekwar with the British Government and the neighbouring states of the Rewa Kanta, Mahi Kanta, Pahlunpur, &c., &c. | It would take more time than can at present be spared to submit to the Commission in detail the questions of guaranteed and other Girasias, Wanta-holders, land and boundary disputes, cases of extradition and jurisdiction, failure to give effect to Government decisions, transit dues, customs, chowkees, &c., &c., |

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
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| | | which are at present pending between the Resident and the Gaekwar Government.<br>It will be sufficient to state in general terms with regard to them, that there are about 250 giras cases to be settled, besides nearly the same number of other references on different subjects; and it is quite clear that unless a very different mode of conducting business than that now followed by the Gaekwar Government is adopted, the just and equitable settlement of these vexed questions appears to be hopeless; consequently that persons entitled to our protection must continue to suffer great loss.<br>Within the last day or two I have found the following valuable evidence in my office upon the present state of our business intercourse with the Baroda Durbar. It is continued in the last Administration Report of the Rewa Kanta for 1872–73, and represents the opinions of Lieut.-Col. Barton, the Political Agent of the Rewa Kanta, an officer of upwards of twenty years' experience in Baroda itself —part of that period having passed as Assistant Resident—and of Captain Reeves, the Acting Political Agent who drew up the report in question.<br>In para. 252 of the Report Captain Reeves says: —" The relation of this Agency with the Gaekwar could not well be in a more unsatisfactory state. I will quote what Colonel Barton has said on this subject in a letter now before Government (viz., 17th October 1872) :—<br>"I regret to report that the attitude assumed by the Durbar officials forbids any hope of the slightest intention or endeavour on their part to act in a spirit of conciliation, or even of common fairness, in the innumerable cases pending between the Durbar and the agency.*<br>" The Wanta inhabitants are treated with severity and cruelty; their crops have been impounded with or without protest; they are carried away, imprisoned and fined at the will of the local authority. The giras's rights† of the Talookdars are withheld; the payments of settled hucks from the local treasuries are made irregularly; and difficulty and delay are experienced by the recipients in obtaining their rights. Wanta lands are encroached upon, and all suggestions for a settlement are evaded. Demands for surrender of individuals accused of committing offences in Rewa Kanta limits are, as a rule, not complied with, and are generally met by counter-charges. The acts of local officials, however arbitrary or illegal, are upheld and justified, and any representations from this agency are either treated with contempt or denied point-plank.<br>" In short, business is at a standstill, or rather unrestrained oppression and tyranny are practised towards the Rewa Kanta subjects by the Baroda local officials. Redress is unattainable, and were it not that those dependent on this agency are held in check, and that retaliation is not allowed, the whole border country would be in a state of anarchy.<br>" The only means of redress open to this Agency is to represent each individual case to the Resident and to request his assistance. Each case is prepared by my local subordinates as carefully as possible under the circumstances, and is forwarded through the Resident to the Durbar. Months elapse before any reply is received, and the usual answer is a flat denial of the complainant's allegations.<br>" The Durbar never lose an opportunity of snubbing one of the more powerful Rewa Kanta Chiefs, or oppressing and encroaching upon the rights of the weaker ones; and in this term all Girassias and Bhayads of Thakors are included, nor, as far as the records show, have any attempt been made to check the Gaekwar and his advisers in this course of policy. * * *<br>" In a word, it must sometimes appear to people |

* I can fully endorse this opinion as applicable to my own experience. I need every possible effort to have business cases settled amicably and equitably, but to no purpose.

R. P.

† With regard to Girass rights, Lieut. Stace, R.A., who has during the past two seasons been inquiring into the claims of guaranteed Girassias has reported to me that the system of compelling witnesses to give evidence favourable to the Gaekwar Government and *pro tanto* destructive of the rights of Girassias, by imprisonment and other forcible means, is habitually employed by the Durbar.

A case has recently been brought to notice by Captain Reeves, Yad No. 2320, dated 27th September 1873, in which a Wanta subject was kept in prison for a year and a quarter by the Durbar before being surrendered for trial; and when tried by the Political Assistant he was found not guilty of any offence.

No reply has been vouchsafed to the Resident's Yad, which is dated 15th October last.

*

Colonel Barton's opinion.

*Note.*—This flat denial of perfectly true allegations is a most serious matter. *Vide* the case of the two Joonaghur girls, and others in which deliberate false statements have been made.

Captain Reeves's report resumed.

The Sirdars, and indeed all the upper classes of the Baroda State, fare the same, even relatives of the family.

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
|---|---|---|

* *Note.*—The Resident in 1873 charged the Gaekwar Government as follows:—

1. Oppression of certain British and foreign subjects in the administration of justice.
2. Discontent of the Sirdars, Silledars, Wuttundars, Jagheerdars, Thakors, Ryots, Kolees, &c., as dangerous to the peace of the country.
3. Serious general mal-administration of the Baroda State in the revenue, police, and judicial departments, resulting in general insecurity of life and property of all classes, amounting to persecution in certain instances.
4. Bribery and corruption amongst the high officials of the State, including Vahivattdars, Fouzdars, &c., &c.
5. Abduction of respectable women from their families to serve as Loundis.
6. Inefficiency of the Contingent of 3,000 horse, its condition being far below the standard provided for by treaty.

27 boundary disputes.
10 claims to jurisdiction.
27 claims to deserted and populated villages.

In addition to the cases brought forward in these Schedules, there still remain 1,385 petitions, upon which no action has been taken by the Resident.

† 288 refer to complaints about civil matters.
297 do. revenue do.
118 do. girass do.
173 do. criminal cases.
414 do. against officials.
95 miscellaneous.

as if the name of the British Government as a controlling and paramount power in this part of Gujarat did not exist."

The Resident respectfully invites the attention of the Commission to Colonel Barton's report that more than a year ago, "business is at a standstill; "that unrestrained oppression and tyranny were "practised towards Rewa Kanta subjects by the "Baroda local officials; that redress was unat- "tainable; and that were it not that the Rewa "Kanta people were held in check the whole "border country would be in a state of anarchy. Com- "pare* this and other passages of a similar purport "with marginal note and the specific instances "brought forward."

It is submitted that in this and other sentences of the report quoted above, we have a perfectly true description of much that has subsequently and quite independently been brought to light in the cases of the Sirdars, the Thakors, the Wattundars, the Jagheerdars, the ryots, the bankers, His Highness Khunderao's followers, and other servants of the Baroda State.

We see also that instead of principles of reciprocity governing the relations between the two States, as they ought to do, "counter-charges," or a system of counter-attack, characterise the proceedings of the Durbar to an extent that is not merely disrespectful to British officers, but insulting to their Government. In the events which are now taking place in Nassari and elsewhere, even with regard to persons who come to Baroda to complain to the British Government of their grievances, we have significant instances of the system of retaliation that will be indulged in unless authoritatively checked; verifying Colonel Barton's experience that the "acts of the local officials, however arbitrary or "illegal, are upheld and justified, and any repre- "sentations from the Agency are treated with con- "tempt or denied point-blank."

The present system of administration, in short, unsettles everything and settles nothing. Its effect upon the borders of Pahlanpur and the petty States under that Agency with which it comes in contact is most injurious in every way. A few months ago there were upwards† of villages deserted in Kankrij alone, owing to claims put forward by the Baroda Durbar to them according to its normal spirit of encroachment, a spirit that must be systematically and authoritatively checked on all sides.

The last administration report of the Mahi Kanta also contains, in para. 31, a complaint that the Thakor of Mansa cannot obtain his dues on Wanta lands, in the Kurree Purgunna, though repeatedly applied for.

Again, "under the head, 'Police,' Lieut. Hunter, "Assistant Political Agent, Mahi Kanta, reports "that the Baroda officials invariably repudiate their "responsibility when thieves are tracked into their "territory, although the village system is kept up."

Again, the same officer reports, "Complainants of "the Mahi Kanta must now appear in the Baroda "District Revenue Courts and prosecute their claims; "there is no guarantee that they obtain justice." My own experience has shown me that the contrary is the case. In a recent case I proved the revenue officer had made a *false report* of the *settlement* of the claims, and compensation was eventually paid. In some cases the theft of a few seers of grain drags on a weary correspondence for several years.

In short, whether it is on behalf of the business of Political Agents of Native States, or of the Collectors of neighbouring British districts, the Resident's advice tendered to His Highness the present Gaekwar, according to Treaty, has seldom if ever been followed, even though sound, just, and friendly. Numerous instances of this may be quoted between

| No. | Names of Claimants, &c. | General Circumstances of each Case. |
|---|---|---|
| | | 1871 and the present time. Hence "business is at a standstill," and will remain so until the whole system of Durbar administration is changed from what it is at present.<br>R. PHAYRE,<br>Resident of Baroda. |

## APPENDIX F.

No. 1128 of 1873.

From the RESIDENT at BARODA to the PRESIDENT, BARODA COMMISSION, Baroda.

SIR, Baroda Residency, 24th December 1873.

IN reply to your letter No. 46, dated 19th instant, I have the honour to acquaint you that I consider the cases already submitted to the Commission to be amply sufficient to establish the general charges brought by me against the administration of the Gaekwar State. It is obvious, however, from the list of petitions still undisposed of in my office, that, were it necessary, any number of additional cases could be brought forward.

2. I will submit as soon as possible the statements which I have still to make upon certain cases and groups of cases, which have been under inquiry by the Commission.

I have, &c.,
(Signed) R. PHAYRE, Colonel,
Resident.

## APPENDIX G.

EVIDENCE.

### SCHEDULE No. I.

CASE No. 4.

SEIAD SADAK ALI.

1. SADAK ALI MADDAT ALI, Musalman, 40 years, Camel Contractor of Ahmedabad, states :—My father came from Hindustan when I was a child two or three years old, and settled in Ahmedabad. I am, and have been for many years, a British subject living and settled in Ahmedabad, where my house and family are.

My connexion with the Baroda Government first began when the late Khunderao came to Kattywar. I do not remember the year. I have held contracts from time to time since then from the Gaekwar's Government, and at the time of Khunderao's death I had the following establishments under him :—122 camels at Rs. 15 per pair per mensem ; of these 51 were in the head-quarters paga, and 71 employed in the batteries, regiments, and other branches of the establishment. After Khunderao's death, a Karkun of Balwuntrao Raholkar's said there would be a difficulty in keeping up my establishment. I told him I had to pay Rs. 12,000 to the men from whom I had bought the camels, and that I was at a loss what to do. He offered to settle the matter with the Dewan if I would give him Rs. 1,000. After some talk I paid Rs. 400 to him in cash, and begged that Rs. 400 more might be deducted from the arrears of Rs. 3,000 pay due to me. He would not agree to this, and said I must pay the whole amount before I received the "chits" for my pay. Matters remained thus for some six or seven months (about May 1871), when he represented to the Dewan that I had abused him, whereupon my property, as detailed below, was attached and confiscated :—

94 camels, 1 shigram and pair of bullocks, 1 buffalo, 2 country carts.

I complained about this to Colonel Barr, and to the authorities in Bombay, but no attention was paid to me.

Shortly afterwards the Dewan sent for me to his house, on the pretence of making a contract with me for 200 camels to go to Junaghad. From there I was taken by some sepoys, and put into jail. Seven days after, Appa Sahib (the son of Balwuntrao Yeshwuntrao, one of the Durbar agents now present) and one Tatya Punekar, with three or four sepoys, took me one night to the Raholkar (Balwuntrao Dewan). I was handcuffed, my hands being fastened behind my back. The Raholkar ordered me to give a receipt in full for all my arrears, and to sign a statement that I

had no complaint to make to the British Government against the Gaekwar's Government. I represented that I owed Rs. 10,000 or Rs. 12,000 to my creditors for the camels, and that if I signed such a paper I could not settle my accounts with them. Upon this the Raholkar ordered the men to "make me consent and sign such a document." Thereupon they tied a rope to the handcuffs, and fastening it to the roof they pulled me up by the wrists. In doing so I swung round, and, falling to the ground, I broke my right arm above the wrist. (The complainant shows his arm, which is in a useless and fractured state.) Seeing this they took me back to jail, where I remained for some six weeks, and was only released on my wife petitioning the Resident, Colonel Shortt. I was made to sign a bond for Rs. 200 not to go near the Palace, the Raholkar's house, or the head-quarters Paga. My wife was also made to refund at double rates the amount of subsistence allowance which had been expended for me in jail. On my release I made a complaint to the Resident, who transferred my case to the Assistant Resident for disposal. That officer called for the Fouzdar and his Karkun to be sent up, and, after making an investigation, he directed that the arrears of Rs. 3,000, and all my property which had been confiscated, should be restored to me. I further claimed Rs. 7,000 as compensation for the loss and injury I had sustained, but the Assistant Resident said he had no authority to inquire into that, and directed me to go to the Resident. This all took place in the presence of the Senaputty's Karkun, Balwuntrao.

After the Assistant's order was passed, the Fouzdar Balvantrao and Bapu Sahib (two of the Durbar's agents now present), with two more persons, went to the Resident, and informed him that the Maharaja was very much hurt and annoyed at the order passed by the Assistant. The Resident told me this, and ordered me to go away. I did so, and came back in five or six days, when he told me I was to get nothing at all. I then asked him for my petition and papers, and was told he knew nothing about them.

Not long after this the Governor came to Ahmedabad, and I represented my case to him, giving him a written petition, which he took to Bombay. During my absence in Ahmedabad, my wife left my house in Baroda, taking with her Rs. 2,000 of my property. She has not returned to me. When I came back to Baroda one girl and two boys, whom I had brought up from their infancy, represented to the Fouzdar that I had beaten them, and were told they might leave my house and protection if they chose to do so, which they did. Hearing that I was to be re-arrested, I left Baroda and went to Bombay and Poona, where I lived for about six months. I then returned to the camp here, and found that a "Rath" (chariot) of mine, for which I had given Rs. 260, had been sold by auction by order of the Durbar for Rs. 8. I have been living in great poverty and distress since my return, and have made many complaints about my losses, but have as yet received no redress or compensation.

The witness being recalled, and asked to fix the periods as closely as he can, at which the various events detailed by him occurred, states as follows:—

Seven months after Khunderao's death my property was attached.
Five or six months after my property was attached I was imprisoned.
Six or seven days after I was imprisoned my arm was broken.
Forty-two days after my arm was broken I was released.
Three or four days after I was released I petitioned the Resident.
Five or six months after I petitioned the Resident, the Assistant Resident passed his order on my case.
Khunderao Maharaj died on 4th day of Ramzan, three years ago.

The Durbar reserve cross-examination.

Sadak Ali, recalled, states—Bhadarkhan Ismal Khan was never in my service. He is in the Gaekwar's employment. I called him as a witness to prove the fact of my imprisonment. Every one in the city knew I had been sent to prison.

### Reply of the Durbar.

Complainant is not a British subject. His stay previous to his arrest in Baroda was more than six months, and he thereby became a Gaekwari subject.

2. He owes about Rs. 400 to the State; to settle which, he was called by Balwuntrao Pimplekar, Karkun of the Khas Paga, whom he treated impudently and threatened to beat. He was therefore taken before Balwuntrao Raholkar, the Naib Dewan, by whom he was sent to the Fouzdari, with a yadi to have him bound over to keep the peace. The security not being given, he was detained at the police station (Chabutra) for one month and 20 days, when, on giving security, he was released. He was not chained, nor handcuffed, nor treated in the manner which he describes.

With regard to the injury, it appears from the description roll of prisoners, and the evidence of witnesses, that he had sustained it previous to his arrest. The witnesses are the police officers at the station.

Colonel Shortt did not mention to the Durbar agents, or write any yad to the Durbar, that complainant's arm was broken in the jail.

A yad has been sent to Colonel Phayre from the Durbar stating that the complainant had not been put in jail ("keid it thevila nohota"). This might appear to be contradictory of our present statement, and we would suggest that either a mistake was made at the time of writing that yad, or that there had been a misunderstanding of the word "keid," which, strictly speaking, means jail. "Chabutra" means a police guard-house, and it was in the "chabutra" he was confined. That yad was written on the report of the Karkun Balwuntrao Pimplekar. He is the man mentioned above.

The descriptive register of Chabutra prisoners is produced by the Durbar agent, and, on inspection by the Commission, is found to contain the usual record of the complainant's committal

on the 22nd April 1872. In the column of "Description of the prisoners" is the remark in a separate line, "on his right hand is an injury." This line appears to the Commission to be written by a different hand, and at a different time from the rest of the record in that column.

Further statement of the Durbar, made on the 17th December 1873, after production and examination before the Commission of the register of prisoners received in the chabutra:—

The statement we made on the 13th instant, as to the injury to Sadak Ali's arm, when he was first admitted to the Chabutra, was made on the strength of a copy furnished to us by Karkun Wamanrao, but on seeing the original register of prisoners received, and carefully examining the entry, we are of opinion that it is of so suspicious a character that we desire to withdraw it as evidence.

We shall make an inquiry with respect to the apparent addition to the entry.

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CASE No. 2.

SEIAD SADAK ALI, British subject.

2. NARSINGH BHAVANSINGH, Rajput, 30 years, Havildar of Kali Tivri, states:—I have known Sadak Ali for the last 15 years. Till his Karkhana was broken up I was his servant. When he was imprisoned his arm was all right, sound, and uninjured. I did not see him when he came out of jail, and cannot say in what condition he was when he was released. It is two or two and a half years since he was imprisoned; perhaps eight, 10, or 12 months after Khunderao's death. His establishment was broken up some 10 months after Khunderao's death.

The Durbar agents reserve cross-examination.

*Recalled.*—I do not know what was under Sadak Ali's sleeves. He used his arm to lift up weights, &c., but whether it was broken or not I cannot tell.

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CASE No. 2.

SEIAD SADAK ALI, British subject.

3. BHADARKHAN ISMALKHAN, Pathan, 32 years, Camel-driver of Raopura, in Baroda, states:—I was one of Sadak Ali's camel-drivers till two or two and a half years ago, when his contract was closed, and I was dismissed. He was imprisoned in the chabutra, and four or five days afterwards his wife told me I was discharged. It was two months or so after the Maharaj Khunderao's death that this happened. His arm was broken by a camel biting it two years before in Ahmedabad. I did not see the camel do this myself. I have seen the arm before he was imprisoned. It was broken, and he used to wear an iron splint. It is his right arm, and it is broken below the elbow.

The Durbar agents reserve cross-examination.

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CASE No. 4.—BRITISH SUBJECTS.

SEIAD SADAK ALI.

4. AHMAD ALI INAYAT ALI, Musalman, 24 years, Fakir of Baroda, states:—I have known Sadak Ali since I was in the City Jail with him two and a half years ago. For the first five or six days of his stay there he was all right in both arms, used to draw water, pull the punkah, and all ordinary work. One night about 8 p.m. the Sarkari sepoys came and took him away. He was brought back at 10 or 11 p.m. and was put into a separate cell. We, prisoners, were instructed to hold no conversation with him, or we should get two dozen lashes. He was calling out as if in pain, but I did not ask him the reason of his grief, as I was afraid of being flogged. I was for 20 or 22 days afterwards in prison with Seiad Sadak Ali. He pointed to his arm as if in pain. I do not know what injury had happened to his arm. I was in prison on a charge of murder. I was sent to Kaira with two others, and was there tried. They were hanged, I heard, but I was acquitted.

The Durbar agents reserve cross-examination.

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EXTRACT of Letter from Captain G. E. HANCOCK to the SECRETARY, BARODA COMMISSION, dated 20th December 1873.

"I remember the case of the camel contractor, Seiad Sadak Ali. It was referred to me for report by Colonel Shortt, and I made a summary of the accounts (in English), resulting in favour of the contractor, to some small amount.

"Colonel Shortt did not accept my finding, and subsequently continued the investigation of the case himself, deciding eventually against the camelman.

"At the time of inquiry before me, I remember no mention of the contractor's arm having been broken, or of other torture having been practised upon him by the Durbar officials, and it formed no part of his complaint."

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STATEMENT of Surgeon-Major G. E. SEWARD, Residency Surgeon, Baroda.

Baroda, 10th October 1873.

I have this day examined the right arm of Seiad Sadak Ali Maddat Ali, and having heard the statement which he made yesterday before the Resident read to me, I am of opinion that the manner in which the fracture is said to have taken place has been truly set forth. Both the radius and ulna have been fractured. There has evidently been a subsequent suppuration. The bones are widely disunited, and the effect of any surgical operation to remedy this state of things would be doubtful. The arm is perfectly useless, unless with the aid of mechanical appliances, and even those would lend but an imperfect use to the member.

The above having been read over to Dr. Seward, he acknowledges it to be correct.

(Signed) R. PHAYRE, Colonel,
Resident.

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Dr. SEWARD appears before the Commission, and after re-examining the arm, states:—I am of opinion that the injury to Sadak Ali's arm could not have been done by the bite of a camel, on the ground that a camel having two rows of teeth, there would have been an extensive cicatrix on both sides of the arm; and, second, that if the force had been sufficient to fracture the arm, the bones would have been broken on both sides; that is, at the point of impact with the camel's teeth there should have been an equal injury on both bones, whereas one bone was fractured short, and the other at a considerable length above it. If the man had been absolutely lifted off the ground, it is possible that dislocation of the arm might have followed; but before that could occur the agony would have been so intolerable, that the person under torture would probably do precisely what Sadak Ali says he did, roll over on one arm or the other. It would be difficult to form a precise opinion as to when the fracture occurred, but the present condition of the arm shows that the accident must have happened at least 18 months ago.

The Durbar agents decline to cross-examine.

FINAL STATEMENT BY THE RESIDENT.

Having omitted to obtain the evidence recorded by the Commission in this case, I am unable to refer to it specifically, but the Durbar reply has been furnished to me, and I have a good knowledge of the facts of the case generally.

On His Highness Khunderao's death, Sadak Ali, who was a large camel contractor for the troops, &c., &c., got into trouble with the officials of the new régime, just as many others did about the same time. In this instance, the Kamdar of the Khas Paga, one Balwuntrao Pimplekar, intimated to Sadak Ali that his contract could not be continued unless he paid him a bribe of Rs. 800. After some altercation Sadak Ali agreed to this, but, as large arrears of pay were due to him, he could only manage to pay Rs. 400, and left the remainder for future adjustment. This was not approved by Pimplekar; a quarrel ensued, and a complaint was made to the Acting Dewan, Raholkar, that Sadak Ali had threatened Pimplekar, who was really working for Raholkar in the whole matter. His camels were then seized, and the whole of his property confiscated. He at once complained to the Durbar of this treatment, and appears to have continued doing so till he at length addressed the then Resident, Colonel Barr, in September and October 1871, to the effect that Raholkar had seized his property and intended imprisoning him. Not having obtained redress, he went to Ahmedabad, and petitioned the Resident again, through the magistrate of the district, under date 1st December 1871. He again failed to obtain redress, but appears to have continued representing his case, till at length Raholkar, being determined to be rid of his importunity in complaining to the Resident, threw him into prison. On being first taken to prison he was stripped, examined, and a minute description of him entered in the prison register. This was in April 1872. About a week afterwards Sadak Ali was taken before Raholkar, to his private residence, about 9 p.m., and he was there and then told to give an acquittance in full of all demands upon him in regard to pay and property, and further that he would never again complain to the British authorities. Sadak Ali declined to do anything of the sort; he was therefore at once seized and tortured, in order to make him yield to the demands of his persecutors. During the process his right arm was broken in two between the wrist and elbow. He was sent back to prison, and left to take his chance, without any medical man being allowed to visit him. He probably would have remained in prison to this day had not his wife presented a petition to the Resident, on or about the 11th of May 1872, stating that she and her husband were British subjects, that he had been thrown into prison a fortnight previously, and imploring the Resident's interference to have him released. Under such circumstances, Colonel Shortt, the Resident, at once referred this petition to the Durbar for explanation. No reply was received to his yad for about three months, and when one came, in Durbar yad No. 1082, dated 15th August, 1872, the fact of Sadak Ali's being a British subject was not called in question, but a flat denial was given to the fact that he had been imprisoned at all, and it was declared that he had no claims whatever; on the contrary, that he owed money to the Durbar. Sadak Ali himself had been released in the interim, and was endeavouring to obtain possession of his confiscated property, and his arrears of pay. This state of affairs appears to have gone on from July to October 1872, during which time Captain Hancock, the Assistant Resident, appears to have given a decision in Sadak Ali's favour, which not having been approved of by Colonel Shortt, was not acted on, and the petitioner was again finally informed that he had no case.

NOTE.—No decisions of either of these officers are on record in the office.

During this period, viz., from June to October, whilst his case regarding pay and property was pending, Sadak Ali appears to have said nothing about the fracture of his arm by torture, for obvious personal reasons. Indeed, it has been already seen that in August the very fact of his

havin been in prison at all was boldly denied by the Durbar in their yad quoted above, a fact which must have prejudiced his case. It was not, therefore, till November 1872, after his claims for both pay and camels, &c. on the Durbar had been rejected, that he mentioned the fact of his having been tortured to Colonel Shortt, who appears to have taken no notice of it, excepting by a remark to the effect that the Raholkar who did it had been removed from office.

The case came under my notice in October 1873, and on the 10th of that month I addressed His Highness on the subject, asking him to do the man justice in respect to his broken arm, which had never before been represented; and with reference to the positive denial of the fact of the man's having been imprisoned in the previous April, I wrote as follows:—

"With the evidence now before me, I cannot accept your Highness' yad to Colonel Shortt, No. 1802, of 15th August 1872, which denies the fact of Seiad Sadak Ali having been imprisoned at all, as conveying the real facts of the complainant's case, in regard to the torture and imprisonment, *both of which* took place between the end of April and first part of June 1872."

No answer to this letter has ever been received by me, but on the trial before the Commission the Durbar, in consequence of what I have written above, abandoned their false report about the imprisonment, and vainly endeavoured to explain it away by attempting to apply a meaning to certain words in the yad of which they were not capable. In fact, the Durbar yad of August 15th, 1872, must be interpreted with reference to the wife's petition, and the yad to which it was a reply, and in which the word "keid" could not have been used to mean "jail," but obviously to mean "imprisonment," as will be found from the context.

Were this an isolated instance of this kind of unscrupulous and deliberate false statement on the part of the Durbar, they might receive the benefit of any doubt that might arise on the subject, in consequence of their version of the meaning, were there room for any. All doubt, however, as to the intention of the Durbar in this case is removed by what subsequently took place in presence of the Commission themselves.

On the 13th December the Durbar agent, in his reply to the case, stated that "with regard "to the injury it appears from the descriptive roll of prisoners, and the evidence of witnesses, "that he had sustained it previous to his arrest. The witnesses are the police officers at the "station."

In support of this statement an extract from the register book of the prison, called the "Sheher Chabutra," was produced by the Durbar, but no witnesses were called to support it at that time, although it would appear from the above that their evidence had been already taken by the Durbar.

I suggested that the book itself should be produced in place of the extract put into court, which was afterwards done, when the false entry recorded in the proceedings was immediately detected by the Commission, but denied stoutly by the Durbar Karkun Wamanrao. Eventually, however, the Durbar acknowledged the suspicious character of the entry, and withdrew the book as evidence.

Thus the several attempts on the part of the Durbar,

1st, to deny Sadak Ali's imprisonment by them;

2nd, to establish the fact that the injury occurred to his arm before his arrest by them; and

3rd, their preparation of false evidence by means of "the police officers of the station,"

so completely expose their deliberate and intentional *malafides* in this matter as to render them utterly unworthy of credit in regard to it, and I therefore trust that the Commission may be pleased to give the poor man Sadak Ali the full benefit of this damaging evidence against the Durbar.

I would respectfully submit, for the consideration of the Commission, that the conduct of the Durbar is highly aggravated by the fact of their having heard the solemn injunctions which the Commission laid upon every witness who appeared before it to speak the truth, and the warning of what the consequence would be if he gave false evidence.

One or two Durbar servants that Sadak Ali called to prove the fact of his imprisonment were the first persons who gave hearsay evidence to the effect that Sadak Ali's arm had been injured by a camel at Ahmedabad. This evidence was subsequently shown to be false by the register book, which, apart from the false entry, proved that Sadak Ali had no injury or mark on his arm when he went into prison on the 22nd April, as those persons swore he had. Moreover, Dr. Seward's evidence proved that there was no reason to believe that Sadak Ali's arm had been broken by the bite of a camel; on the contrary, that had the arm been broken in that way, there would have been evident signs of it.

In the marginal note to Case 38, Schedule II., this case is one of those cited by me in the proof of my general charge against the Gaekwar Government, that "under the present system "of administration no reliance can, as a rule, be placed upon Durbar official statements in "matters affecting the administration of public justice."

When I wrote that, I referred, so far as this case is concerned, to the flat denial of the imprisonment made in the yad of 15th August 1872, but I had no idea that such additional proof of the charge as has come to light in the presence of the Commission would have been afforded.

### Précis of the Petition of Seiad Sadak Ali, dated 11th November 1872.

1. When I went to Balwuntrao Raholkar to demand my dues, my contract was cancelled, and he told me to pass a document to the effect that I had received all my pay, and that I would not complain to the British Government. I refused to comply with this demand. I was consequently imprisoned, handcuffed, and beaten. The result was the breakage of my arm.

2. I demand the price of four camels given to one Ismal Bapu.

3. The people owe me about Rs. 1,000 or 1,500. The account is with a Bania, who may be asked for it.

4. I pray for the removal of the attachment over the camels, shigram, &c., in consequence of my not paying more than Rs. 400 to one Balvantrao Pimplekar.

5. I request the restoration of one camel, which is with the Thakor of Miagam.

6. I solicit a receipt from one Jetha Parekh, who is in charge of eight pagas for the surplus equipment of camels, which he took away.

A verbal answer was given to the petitioner by the Resident on the 16th November 1872, viz., that his petition was returned.

SUBSTANCE of a MARATHI YAD No. 1802, dated 15th August 1874, to the address of the RESIDENT, from H. H. the GAEKWAR MALHARAO MAHARAJ.

States, in reply to the Resident's yad, No. 1018, of the 11th May 1872, asking explanation as to why Seiad Sadak Ali (the husband of one Bae Nanu, of Ahmedabad), who had been to the Durbar officers asking for a payment of money due to him on account of his contract for supplying camels, had been imprisoned, that from the particulars laid before the Durbar by the Senaputty in his memo. No. 125, of 1872, information is hereby given that under the terms of his contract no payment of money is due by this Government to the said Seiad Sadak Ali as alleged in his petition, enclosed in the accompaniments, but that on the contrary he owes money to the Government. The petitioner Seiad Sadak, in consequence of his having used threatening language towards the Pagadar officers, was required to give a security for good conduct. He has not been imprisoned. The accompanying petition is returned.

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CASE No. 5.

TISLO GOVINDA, Chamar, 40 years, leather-seller and cultivator, resident of Punadra, in the Mahikanta, states:—My son, named Nathuva Tislo, aged 17 years, is now at home too ill to come up and make any statement. His feet and legs are all swollen, and he suffers from fever daily. He is the same person about whom complaints have been made to the Resident, regarding his having been seized, fined, and punished by the Vahivatdar of Atarsumba. He is so ill that he cannot be brought here even on a charpoy, and I have no hope that he will ever get well. Punadra is 50 kos (75 miles) from Baroda, 22 kos (33 miles) from Ahmedabad, 18 kos (27 miles) from Sadra. He has been thus ill for the last month. I do not know whether or no they are giving him any medicine at home. His mother is taking care of him, but I cannot say how he now is, as it is 20 days since I left home.

2. SHANKAR LALDAS, Vania, 50 years, Mukhtiar of Pasunj, Daskrohi Taluka, Ahmedabad Zilla, states:—About two months ago Tislo came to me, and informed me that his son was imprisoned without cause in Baroda. I informed the Political Agent at Sadra, and by his advice I came here and complained to the Resident, who procured the release of Nathuva in 12 days. He was then very ill, with feet all swollen, but was able to walk a little. We took him by train to Ahmedabad, and thence by cart to Punadra. About one month ago the Resident sent for us again, and I went to Punadra, where I saw Nathuva. He was then, 25 days ago, lying in bed, suffering from swollen legs and daily attacks of fever. He was quite unable to move. He was not in his right senses, being unable to answer questions put to him. We therefore came away without him. I heard 15 days ago that he was no better. It is impossible for me to say whether or no he will recover, but when I saw him he was quite unable to come here by any means of conveyance.

STATEMENT OF THE DURBAR.

The village of Punadra, within the jurisdiction of the Mahi-kanta Agency, belongs to the Gaekwar's district of Atarsumba. It is the seat of a famous shrine of Mahadeo, distinguished by the name of "Utamteshvar." It is a place of pilgrimage and fairs. The greatest of these fairs falls on the 14th of Magh Vadya, when thousands visit the place; and on the last 14th of Magh Vadya the concourse amounted to thousands.

The religious laws of the Hindus prohibit members of inferior castes, such as Dheds (low caste), Bhangis (sweepers), Chamars (shoemakers), as well as of different creeds, such as Musalmans, from entering the temples of Hindu religion. At any rate the popular feeling becomes offended if any individual of an inferior caste enters such places. The sensitiveness of the Hindu mind is so great that they become highly excited, if they happen to discover such an one to have entered a Hindu temple in disguise.

On the day of the last fair, a shoemaker of Punadra, one Nathuva Tisla by name, had come to the fair. There was nothing wrong so far as coming to the fair was concerned. He, however, took a disguise and effected an entrance into the room where the principal shrine is situated. He was, however, detected, given into custody, and kept in confinement.

During the investigation held by the Vahivatdar (manager) of Atarsumba he admitted having entered the temple, and the same having been established by the evidence of those who had apprehended him, he was found guilty of the heinous crime of profaning the Hindu religion. The proceedings in this case, as well as the prisoner, were ordered to be sent up to the Huzur; and Shastris (expounders of laws) were consulted as to the nature of the punishment to be awarded for such a crime on the authority of Manu Smrati, Parashuri, and other works on Hindu laws. The Shastris declared that such a graceless profaner should be put to death. This was, however, deemed too severe a punishment, and we thought it advisable to sentence him to rigorous imprisonment for seven years. He was undergoing the sentence, of which four months only had expired, when released.

Subjects residing within the British territory, or within what is termed the Mulukgiri limits, if apprehended in the act of committing offences within the Gaekwar's territory are tried and punished by the Courts of this Government, according to the law administered by them; and after the expiration of the term of punishment, the authority of the district, of which the offender happens to be a native, is informed of the same.

This practice, and its *vice versâ*, have been in existence from an ancient time.

The offender under notice was accordingly apprehended while in the act of committing an offence within the limits of the territory of this Government, and was tried, convicted, and sentenced according to the laws in force.

There is nothing in this proceeding which may be deemed unjust or informal.

In the month of June last the British Resident, in a memorandum No. 1686, written probably on an application from the criminal's father, Tisla Govinda, desired the Durbar to release the prisoner from confinement, and send him to the Residency on the day after the next to that of the memo., and to investigate the charges advanced against the Vahivatdar and Fouzdar of Atarsumba, of receiving a bribe of Rs. 200, and taking an agreement for an additional bribe of Rs. 300, of which 20 were actually paid.

This requisition on the part of the Resident was a novel one, and contrary to the existing practice.

It was therefore necessary for us to consider how we were to act, and while this subject was under consideration the memo. No. 1704 was received from the Resident to the same effect.

We therefore, in deference to the wishes of the Resident, and with a view to avoid discussion, set the criminal at liberty, and informed the Resident of the same in our reply.

As regards the alleged charges of receiving bribes, the Resident was requested to send the complainant, with whatever proofs he possessed, to the Gaekwar Government. As no one has yet appeared before us, no investigation could be set on foot; and the Vahivatdar, who was made to furnish security, is suffering from the state of suspense under which he has been placed.

The practice alluded to in the Resident's memo. No. 1704, in connexion with offences by parties residing in what are stated the Mulukgiri limits, is not in force. That described above is, we assure, actually in force.

### Final Statement by the Resident.

The general facts of this case are reported in para. 3 of my letter to Government, No. $\frac{144}{188}$, dated 18th August 1873.

2. It has not been inquired into by the Commission owing to the absence of Nathuva Tisla himself, through severe illness contracted during his false imprisonment of four months in the Baroda Jail; consequently it is still pending.

3. The Durbar have, however, put forward certain statements which require notice.

(*a.*) That Nathuva Tisla entered the temple in question in disguise.

(*b.*) That the Vahivatdar of Atarsumba states that Nathuva Tisla confessed that he had entered the temple.

(*c.* Subjects of the Mahikanta and Rewakanta (Mulukgiri limits), if caught committing offences within Baroda limits, are punishable by Baroda laws, and the Political Agent of the district to be informed after the expiration of the term of punishment.

(*d.*) But Nathuva Tisla was apprehended in the act of committing this crime, was tried, convicted, and sentenced according to law—nothing unjust* or informal committed.

(*e.*) Resident's yad 1686 desired the Durbar to release the prisoner. This was a novel proceeding.

* The Durbar states that the crime committed was punishable by death; consequently it was not bailable. Yet Nathuva Tisla was allowed by the Vahivatdar to return to the Mahikanta after the bribe was paid. He stayed there 1½ months, after which he was illegally arrested, not through the Political Agent. Thus the whole proceeding was unjust and informal. Why should the Durbar have concealed from the Commission the fact of the bail and the return of the prisoner to his home in the Mahikanta?

(*f.*) Resident's yad No. 1704 was received, and, to avoid discussion, the prisoner was released by order of the Durbar.

(*g.*) With regard to the bribes, the complainants have not appeared before the Durbar, therefore the question has not been gone into.

4. With regard to *a*, *b*, *c*, *d*, and *g* of the above allegations on the part of the Durbar, the deposition of Nathuva Tisla himself, corroborated by other evidence, throws a very different light on the matter. The Vahivatdar of Atarsumba, named Desaibhai, being the person who released the petitioner on his father's paying the sum of Rs. 200, is not worthy of credit in what he states regarding the petitioner's confession.

### (1.) Deposition of Nathuva Tisla, on 8th August 1873, before the Resident.

Nathuva Tisla, 30 years of age, inhabitant of Punadra, in the Mahikanta, chamar and cultivator, Hindu, states on solemn affirmation:—

About the end of last February I went to the temple of Mahadev, near Atarsumba, where I was summoned by the Sirkar to bring grass for the sowars of the Gaekwar Government. I had deposited the grass and was returning home, and had occasion to pass near the temple. After going a few paces I was followed by ten or fifteen sepoys of Atarsumba, who accused me of having defiled the temple by going near it. They beat me with leather thongs, and took me to the Fouzdar, who had me bound and taken to Atarsumba. I was there fettered and thrown into prison. I remained thus for 15 days. During this time two or three persons visited me, and said that if I would pay a fine I should be released. I said that I could not pay it, but that perhaps

my father would. A few days after this I was discharged. My father knows about the bail, &c. I then returned home, where I remained for about two months. After its expiration the man who went bail for me, named Washramia, came and said that I must come with him to Atarsumba in Gaekwar's territory, as a razinama had to be taken from me. When I arrived in Atarsumba I was taken to the Fouzdar's Karkun, Krishna Dev, who said that my statement had to be taken in Baroda, and that I must go there on that account. The Vahivatdar, Desaibhai, was at that time sitting near. I was sent to Baroda and taken to the Fouzdari. I was then taken to Chabutra for three days. On the 4th day I was called to the Fouzdari. No questions whatever were asked; no evidence was taken; there was no trial. I was kept* at a distance, and was informed by two Karkuns that I was sentenced to 7½ years' imprisonment. I was then taken to jail, where I stayed till yesterday, when I was released. I was employed on labour inside the jail.

This accords with the evidence in nearly every case.

Given before me this 8th day of August.

(Signed) R. PHAYRE,
Resident.

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(2.) DEPOSITION of TISLA GOVINDA, Chamar, father of Nathuva Tisla, dated 13th August 1873.

On the 25th February 1873 a fair was held at the Mahadev's temple near Atarsumba on account of Shivratre festival. The Vahivatdar and Fouzdar of Atarsumba, with the sowars, &c. of the Thana, went there to preserve the peace. As we had the right of aking taway the skins of cattle dying in the Atarsumba villages of Wagjipur, Bobhu, and Fuljinu Muvadu, we are liable, agreeably to custom, to be called upon to perform "Veth"* for Atarsumba. So my son Nathuva, Chamdio, Walio, Bulvantio, and Dylo went with bundles of grass to the fair. The three latter returned to Punadra and told me that my son had been taken away to Punadra on the charge of defiling the temple. The next day I went to Atarsumba. The peons would not allow me to see my son, who was thrown into prison and put in irons. I then saw the Vahivatdars, Valabhbhai, Jivabhai, and Desaibhai, and asked them why my son had been confined. They replied that he had defiled the temple, and that if I paid a fine of Rs. 1,000 he would be released, otherwise that he would be sent to Baroda. I said that I could not get Rs. 1,000, and returned home. At this time Haribhai, mukhi of Fuljinu Muvada, and sepoy Kamu Galubhai of the same village, were present. In the limits of Atarsumba I spoke to the Fouzdar, whose name I do not know, about my son's release; he said that he would speak to the Vahivatdar about it. I then returned home. Three days subsequently I again went to Atarsumba, accompanied by the said sepoy and mukhi, and spoke to the Vahivatdar. He then demanded Rs. 400. I did not consent to pay the sum, and returned home. Again I went to Atarsumba with the people above named, and spoke to Jivabhai, who desired me to go to Wagjipura with him, which I did. There he said that if I paid him Rs. 100 for self, and Rs. 50 for the Fouzdar, and Rs. 60 for Desaibhai, he would release my son; he then left for Devkaran Muvada, telling me that I should bring the Rs. 100 intended for him there. I and my companions returned to Punadra and borrowed Rs. 100 from Bania Raochand Mangal at 1 per cent. (per month) interest and passed a bond to him. I then went to Devkaran Muvada, accompanied by the said mukhi and sepoy, and, taking Samlo and Lalio of my caste with us, I paid in their presence Rs. 100 to Jivabhai in the village Choura. The next day I again went to Atarsumba with Rs. 110 from my house, and paid Rs. 60 to Desaibhai at the house of Bania Tribhovan, of the village, in the presence of the latter, and Chamadia Walio, Balvanta, and Dyla of Punadra, and the said mukhi and sepoy, and also paid Rs. 50 to Krishna Deo, Karkun under the Fouzdar in the Atarsumba Kutcherry, through Kamu and the mukhi. At that time Chamadia, somla of Bhutesari, under Sadra, was present. Of this sum of Rs. 50, Rs. 2 were returned as bad coin. The fetters were removed from my son's legs and he was brought to the Kutcherry, and I was desired to procure bail for him; he said that when the Fouzdar came a razinama would be recorded. Chamadia Visramia, of Atarsumba, stood bail for my son, and Krishnarao allowed my son to go. He remained at home for 1½ months. The security having then come to call my son, I and he went to Atarsumba, when Krishna Dev, the Fouzdar's Karkun, handcuffed my son and sent him to Baroda. I asked why he was sent to Baroda, when I had been made to pay money for his release. I was told that he would give his deposition at Baroda and return home. I then returned to my house. As my son did not return for ten days, I went to Jivabhai at Atarsumba, when he told me to come to Baroda, where he himself was going the next day, and that he would procure my son's release. I came to Baroda and stayed there ten days, but could not find Jivabhai, nor could I obtain any clue as to my son. So I left Baroda for my village and got down at the Nariad Railway Station: I saw Jivabhai there, and related to him what had happened; he said that if I wanted to have my son released I should give a further sum of Rs. 300; as it was a Gaekwari concern, that further sum will be required. On this I paid him Rs. 20 which I had with me for current expenses, and got Chamadia Mulia, of Nariad, to promise to Jivabhai to pay the remaining sum of Rs. 280. As Jivabhai had no confidence in Mulia, the latter gave as security a Patidar of Nariad, whose name I do not know. In this way I arranged to have Rs. 300 paid to Jivabhai and returned home. I waited for three months, but Jivabhai did not procure my son's release and misappropriated the money;† therefore I have complained to the Resident.

Rs. 100 to Jivabhai.

Rs. 60 to Desaibhai.

Rs. 50 to foujdar's karkun.

Arrest in Mahi Kanta limits as in Bapu Cursetji's case.

Nariad, in British territory.

† Rs. 20 of the Rs. 300.

Dated 13th August 1873.

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* Forced labour.

5. This evidence is supported by four Mahikanta subjects with regard to the bribery of the Vahivatdars and other points. It is unnecessary to quote it here.

6. With regard to the allegations of the Durbar as set forth in (*c*) (*e*) and (*f*) above, the following are true copies of Resident's yads 1686 and 1704 therein referred to, from which it will be seen on what grounds the Resident required the release of a Mahikanta subject who had in reality been punished for his alleged crime of defiling the temple by a fine of Rs. 200 imposed by the Atarsumba Vahivatdars, Desaibhai and others, who, not wishing to credit that amount to the State, took illegal bail from a Mahikanta subject, and subsequently, instead of obtaining his extradition in the usual way, had him brought from Mahikanta territory by a Baroda subject and thrown into the Baroda jail, the whole proceeding being utterly illegal and contrary to treaty.

7. The Resident's letters are as follows:—

TRANSLATION of Yad to Durbar, No. 1686, dated 26th July 1873.

YOUR HIGHNESS,

I BEG herewith to forward the petition of Chamar Tisla Govinda, of Punadra, in the Mahikanta, presented this day, from which you will see that Nathuva, the son of the petitioner, went with a bundle as "Begari" on the occasion of the last Shivratri fair at the temple of Antkant Mahadeo, in the month of Magh last; he was charged by the Vahivatdar of Atarsumba with the offence of having entered the temple, and was much beaten and imprisoned. The Vahivatdar demanded Rs. 200 for his release from the petitioner,* which the latter paid and procured Nathuva's release. Some months subsequently, Nathuva was sent for by the Fouzdar of Atarsumba and forwarded to Baroda. A sum of Rs. 300 was again demanded from him (petitioner). Of this he paid Rs. 200 and gave security for the remainder, but the boy is nowhere to be found at Baroda, and the petitioner prays for his release.

* *Viz.*, Nathuva's father.

Your Highness will learn these circumstances from the petition. The petitioner and his Vakil are herewith sent. Kindly have the matter inquired into soon and let me know the result. The accompaniment to be returned.

Note.—Durbar's assertion in above ! ! !

Dated 26th July 1873.

P.S.—The petitioner's son, who is in confinement, may be sent here the day after to-morrow, and the petition to be also returned. Dated as above.

TRANSLATION of Yad to Durbar, No. 1704, dated 28th July 1873.

I have sent to the Durbar, yad No. 1686, dated the 26th July 1873, requesting that Nathuva, Chamar, of the village of Punadra, in the Mahikanta, who has been imprisoned by the Vahivatdar of Atarsumba, may be sent up to the Residency. The said Nathuva's father, Tisla Govinda, appeared before me this day and represented as follows:—

"My son was without reason charged by the Vahivatdar of Atarsumba with having entered the temple of Mahadev about five months ago; he was beaten and imprisoned. Subsequently, Vahivatdar Valabhbhai, &c., residents of Petlad, who had farmed the Atarsumba Mahal, demanded from me Rs. 200 for the boy's release. I gave the amount, having sold my cattle and borrowed the remainder from a Bania and from some people of my caste. The boy was then released and returned home. Some days subsequently the boy was fraudulently sent for from his village, and again imprisoned and taken to Baroda. The Vahivatdar, &c., then entered into a negotiation with regard to this matter and demanded a further sum of Rs. 300; a part payment of Rs. 20 was made to him at Nariad, and security was given for the remainder. Still the boy has not been released from imprisonment. Of the sum of Rs. 200 first paid, only Rs. 8 appear in the Government records."

When this statement was made by the petitioner, the minister, Sivajirao Khanvelkar, was present. The action of the Vahivatdar in having received money from a person of the petitioner's position is a (great) piece of injustice, and should be fully inquired into. I have said so to the minister. The prisoner is a subject of the Mahikanta, and it appears that he is undergoing sentence for having entered a temple; it is necessary for me to see what sentence he has received, because I find as follows on a reference to the Government order No. 3900, dated 18th September 1849, with regard to accused persons belonging to the Mulukgiri Districts:—

1st. If an Agency subject commits an offence in the Gaekwar limits, and a demand is made (for his surrender), a *primâ facie* case should be submitted, and the Resident should be satisfied with it.

2nd. The surrender will be made if the Gaekwar Government award sentence agreeably to the laws of the British Government.

3rd. When a sentence is passed, it is to be carried into effect after the Resident has seen all the papers of the case and approves of the sentence.

Under these circumstances, it was advisable, if the accused was to be imprisoned, that a *primâ facie* case should first have been submitted. This was not done, nor was any intimation given to me or the Political Agent, Mahikanta, as it was necessary to do. What is the reason of this? If the man has been sentenced, all the papers in his case may be kindly sent to me soon, so that they may be looked into (or an inquiry made).

Dated 28th July 1873.

These reasonable requests were never complied with; in fact there were no proceedings, it is believed.

8. The original seizure of Nathuva Tisla (a Mahikanta subject) in order to extort money, the bribe of Rs. 200, the release on bail, the re-arrest in Mahikanta limits, the imprisonment without

inquiry or trial, and the present reply of the Durbar, are points which would have been established had the personal presence of Nathuva Tisla not been considered essentially necessary by the Commission. A reference has been made to Major Le Geyt, the Political Agent, Mahikanta, to inquire whether Nathuva Tisla is really in the dangerous state described, but as yet no reply has been received.

9. It is important also to record here what was brought to notice in one of the accompaniments to the Administration Report for 1872–73, viz., that the Vahivatdar Valabhbhai, who is said to have demanded this bribe, farmed the Atarsumba Mahal, with three others, named Jivabhai, Desaibhai, and Nathubhai, all of whom appear to have exercised jurisdiction in the Mahal, and to have set aside the original survey assessment, and levied a considerable amount in excess of it. This affords an exemplification of what was stated in the final remarks upon the case of Dalpat Prema, Schedule I., Case 3.

10. In addition to the above represented, *yads have been written to the Durbar* bringing to notice the corrupt practices of the officials of the Atarsumba Mahal. No reply has been vouchsafed, and the Resident is not aware of any energetic measures having been adopted to put a stop to them.

Under these circumstances, it is not to be wondered at that justice has up to the present moment miscarried in the case under report.

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## Case No. 9.

Maneklal Vithal, Soni, 22 years, goldsmith, of Ahmedabad, states:—I have three houses, two in Ahmedabad and one here. My father lived here, and was employed by Government as a Soni on Rs. 12½ a month. He died here some 18 years ago, and on his death my mother, who was a native of Ahmedabad, took me, then a boy of five years or so, there with her. I lived continuously in Ahmedabad for some 10 years, learning my work and being educated. I then began to come here for one or two months each year, as occasion required, to sell the results of my work. I did no Government service here. I have a cousin, Amratlal, who lives in Baroda. Last Posh (January) I had a quarrel with him in Ahmedabad about a silver ornament, which he charged my brother with stealing. My brother was taken into custody by the police, but was released. In the month of Mah (April) I was here, and Amratlal got up a false complaint about me, that I had written a letter to my brother in Ahmedabad to the effect that Amratlal's daughter, Ganga, had gone to the Maharaj, and that, in consequence of this letter, he (Amratlal) would be turned out of caste. He brought some 10 or 12 witnesses to prove his case. No depositions were taken in my presence. What happened to me after my arrest was that I was asked whether I had written this letter about my uncle and Ganga. I denied having done so, and was then remanded to custody for four or five days, at the end of which time I was again called up before Yeshwuntrao and told to show my handwriting. I did this, and was again taken to the chabutra. Thence, in a few days, I was taken to the jail, and was there told by Yeshwuntrao Fouzdar that I was sentenced to 14 years' imprisonment for writing this letter about my uncle and Ganga. My mother made four or five petitions to the Gaekwar's Government, but was not allowed to see me. She then complained to the Resident, who asked her to bring a certificate that she was a British subject. She brought such a certificate from the Collector of Ahmedabad, and after four or four and a half months in jail I was released at the instance of the Resident. I was ordered by him to give security to be present when called upon.

I declare distinctly that I never wrote the letter which I was accused of doing.

The Durbar agents reserve cross-examination.

*Note.*—The original proceedings of the deponent's trial and other papers have been produced before the Commission by the Resident; and it being stated that the signature on his confession, which forms part of these proceedings, is a forgery, the witness is shown two documents, both purporting to be signed by him, one being his alleged confession, the other a paper about his alleged domicile. He denied at first that either of them was his, but subsequently stated that the signature on the paper relating to his domicile is his, but that the one on his alleged confession is not his.

### Statement of the Durbar.

Complainant is a Gaekwari subject, as we can prove from the census papers of 1872, from his having paid house assessment in 1869, and from the evidence of similar witnesses to those whom he proposes to call to show that he is a British subject.

The depositions were taken in his presence, as the proceedings themselves will show. The signature he denies is his, as we can prove by evidence, and by the comparison of writing by him. The signature which he says was taken from him against his will, was made voluntarily by him.

The sentence passed upon him was one year's imprisonment, not 14, and in addition to this he was called on to find security for Rs. 200 not to repeat his offence.

### Final Statement by the Resident.

The case of Maneklal Vithal was entered in Schedule I. on the ground that, in the opinion of the Resident, it was distinctly proved that Maneklal Vithal was a British subject.

The grounds of the Resident's opinion on this subject are as follows:—

1. That Maneklal is at the present time a permanent resident of Ahmedabad, carrying on business there, and owning house property in Ahmedabad.

2. That Maneklal has lived all his life in Ahmedabad, and has never lived in Baroda except for short intervals, when he has come to Baroda for business.

3. That, although he possesses a house in Baroda, he does not reside in it, but lets it for hire.

The truth of these facts has never been denied, but it has been urged by the Durbar that Maneklal possesses house property in Baroda, and has paid house assessment first in 1869, and has been entered in the Baroda census returns as a Baroda subject. On these slight grounds it has been contended by the Durbar that Maneklal Vithal is not a British but a Baroda subject.

It has been decided by the Commission that Maneklal Vithal is not entitled to the privileges and protection of a British subject. Considering the evidence which the Resident was prepared to bring forward had he been allowed by the Commission to do so, and the fact that, agreeably to para. 7 of Commission's letter of 1st November, the Resident was empowered to decide authoritatively who were entitled to the protection of British subjects, the Resident is unable to account for the decision which has been arrived at, and he ventures most respectfully to submit that if the decision in this case be upheld, it will be impossible in practice to decide who are and who are not entitled to be considered as British subjects. The Resident would, therefore, respectfully solicit that the decision on this point may be reconsidered, because, in consequence thereof, the petitioner has been again consigned to the Baroda jail upon a charge which the Resident believes to have been wholly without foundation.

Whether Maneklal Vithal be or be not a British subject, the merits of his case are entirely unaffected. He was convicted in Baroda of the alleged offence of writing a defamatory letter to his brother in Ahmedabad, and the proceedings of his trial have been produced. It is most significant that there is in these proceedings no evidence against Maneklal himself, except what purports to be his own confession. The genuineness of his confession is denied by Maneklal, who states that he never made it, and that the signature of his name is a forgery. Maneklal further states that he never wrote any letter at all to his brother in Ahmedabad, and his brother Nanji denies having received any such letter, and was prepared to have given evidence to this effect before the Commission.

Taking into consideration the numerous cases of alleged false confession and false statements emanating from the Durbar, which it has been the Resident's duty to bring to the notice of the Commission, the Resident respectfully submits that the mere submission of proceedings by the Durbar cannot be accepted as even *primâ facie* proof of the regularity of Durbar judicial proceedings. The petitioner in this case appears to have been treated with extreme injustice, and it is respectfully submitted that, whether he be a Baroda or a British subject, he is entitled to the protection of the British Government against the oppressive action of the Durbar Court.

The Resident would therefore respectfully recommend that, whether the petitioner be or be not entitled to damages, the Durbar be at once advised to release him from confinement or to allow him to return without further molestation to Ahmedabad.

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### Case No. 10.

Parbhudas Parshotam Bharut, 22 years, money lender, of Neriad, in Kaira Zillah, states:—About six months ago I went to the village of Jagral, in the Patan Mahal, to visit my uncle. When I had been there for four or five months, I was one day seized by the Fouzdar Fatteh Ram and taken to the Waghrol Thana on a charge of theft. I was there tied up with my hands behind my back, and my toes just touching the ground, and told to confess by one Raghunath, Karkun. I was tied up that day, morning and evening. I was not beaten the first time, but in the evening I was struck four times with a tamarind stick over the body. I began to cry out, and grew faint, so that they released me, and said I might go home. My uncle made a petition about this, mentioning my name. Inquiry has been made into the matter by the Durbar. All that I want now is leave to go home if justice is done to me. I have not as yet had any deposition taken in Baroda.

The Durbar agents state that they have made a preliminary inquiry into the case, that they consider it proved against the Fouzdar, and as soon as his deposition is verified he can have leave to go.

#### Final Statement by the Resident.

This man is one of those who was flogged in the Patan District (Schedule II., Cases 9 and 10), in order to make him confess to having committed a crime of which he was guiltless.

The Durbar gave him Rs. 28 in compensation, and he returned to Neriad.

The Fouzdar who committed the crime has been punished.

The case affords, with others that have been brought to light during the present proceedings, proof of the system of torture to obtain confessions which is practised by the Gaekwar Government, a system which renders the alleged confessions of accused persons utterly valueless as evidence of guilt.

The notorious flogging case of eight persons (No. 39 of Schedule II.) affords a notable example of this, one man having died under this system, and two being now in prison for life, solely on the grounds of their confession obtained by flogging.

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### Case No. 12.

1. Narangi Vithoba, 30 years, of Khanval, in Ratnagiri District, states:—My husband is now alive. I came hither to Baroda of my own pleasure some two and a half years ago, brought by Babaji Bidkar, a servant of Nana Sahib, and went to Nana Sahib to be his mistress. Thence I

went to the palace, taken there by Nana Sahib himself, at that time also of my own accord and free will. In the palace I found I had to do service to the Queen, fanning her, and performing other duties of a servant. This service was rendered against my will. I remained as a servant four or five months in the palace. I was then questioned by the Maharaj as to whether I knew anything of any intrigue between the Raholkar and the Rani. I said I knew nothing of it, and was then put into the Chabutra, where I remained for one and a half months. I was at the end of that time remanded to the jail, where I stayed for one and a half years. While in jail I was twice flogged by Bhojangrao, receiving four cuts with a cane on the back, the cause being that I had eaten two and a half paisas' worth of bajri which I had ground. I was released at the last eclipse of the moon. When I was brought up first there were four or five other women brought up with me by Babaji Bidkar. I twice saw women caned by Bhojangrao while I was in jail. I was fully and entirely released, not being told to go back to service. I have lived since my release by labour, grinding corn, &c. No one will take me back to the Konkan. I should be glad to go back to my husband, but he would not take me.

The Durbar agents decline to cross-examine, and postpone their reply.

### Reply of the Durbar.

It is found on inquiry that she was not brought by Nana Sahib or his dependents. She came to Baroda of her own accord in search of employ, having quarrelled with her husband. She applied to Nana Sahib for employment, and was engaged for service at the Vada, where she received food and clothing, and was otherwise well treated. While in service she was guilty of the theft of silver boxes, &c. from the Jamankhana, and as a punishment removed to jail. She was released at the last eclipse of the moon as a special act of clemency. No complaint of her being flogged in jail was ever made by her. She was allowed the rations granted to prisoners.

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### Case 13.

Salu, wife of Ghanu, resident of Sakarpa, in the Ratnagiri District, states:—I was brought hither along with some four other Ratnagiri women about two years ago by three of Nana Sahib Khanvelkar's people, viz., Sagona, Gopal Siroba, and Rambhao. I came of my own accord, and with my own inclination with these men. I left my mother's house on the promise of getting Rs. 200 worth of jewels and clothes. I do not know why I was to get these fine things. I, on arrival in Baroda, went to Nana Sahib's house, where I remained for a month as his wife. The child I now have in my arms is his. I was then taken into the palace to be a "Loundi" against my will by Nana Sahib himself. I served in the palace for five months, when the Maharaj sent for me and asked if I knew anything about Balwuntrao Raholkar and the Queen; and on my pleading entire ignorance I was taken to the Chabutra, where I stayed for 1½ months, and was then taken to jail, where I was confined for 1½ years. No cause was assigned for imprisoning me. While I was in jail I was once flogged with four cuts from a cane by Bhojangrao, because the bajri I was grinding was found to be coarse. I have twice or thrice seen other women beaten while I was in jail. I was released without conditions, and was not told to return to service. I would be glad to go back to my house, but no one would take me. I have lived since my release by grinding corn, daily labour, &c.

The Durbar agents decline to cross-examine, and state they will be ready with a reply.

### Reply of the Durbar.

The same as in previous case with this addition, that she was allowed milk and extra rations while in jail, in consequence of her having given birth to a child while imprisoned.

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### Depositions of Sardars and Military Classes.

1. Yeshwuntrao Mahipatrao, of Baroda:—I have one village, Kaotao, in equal shares with Narsingrao Bhivrao; value Rs. 2,500 or thereabouts. In addition to this I ought to get Rs. 24,000 annually for the support of my establishment of sowars, horses, palkis, &c. Narsingrao has no share in the Rs. 24,000. The first of the Sardars in my line was Narayenji, my grandfather. I cannot fix the date of his first employment by word of mouth. I have no records in my possession to show my title. I have received payment of my Rs. 24,000 in full up to date, but I cannot say on what day I received it. I have no complaint to make now against the Gaekwar's Government. There are two years' payment of my "Tainat" in arrears, and the third year is now in progress. There is no fixed date for payment. It rests with the Government to fix the date of payment.

My elder brother, Maluji, died in Sanvat 1912 (A.D. 1855) or thereabouts. He had an allowance of Rs. 1,500 for himself, which Ganpatrao Gaekwar stopped in Sanvat 1902 (A.D. 1852). This allowance I claim.

The reason of my Rs. 24,000 being in arrears is, that, notwithstanding the promises of the late Gaekwar at the time of the mutiny not to reduce the establishment of Silledars, he did reduce those of smaller Sardars, and I, to support these men, refused to take my money unless he kept all the establishments up in full. The assurance of the Gaekwar was only verbal; and this assurance I conveyed to the smaller Silledars.

*Cross-examined by Agent Rao Saheb Bapubhal, on behalf of Gaekwar* :—Out of the sum of Rs. 24,000 mentioned above is an item of Rs. 750 monthly, the pay of the sowars of my portion of the Contingent. This sum has been paid to them every month. The Gaekwar may have reduced the establishment and allowance of the Sardars, I do not know for certain.

2. NARSINGRAO RAOJI BHIVRAO, of Baroda, states :—I have a village, by name Kaotao, in equal shares with Yeshwuntrao, and besides this Rs. 26,000 annually for the support of my sowars, horses, servants, &c. This is distinct from that of Yeshwuntrao. My establishment dates from the time of my great grandfather Narayenji Raoji. I cannot state from what year it dates. I am now in arrears for the two last years, and the third year is now going on. In the year of the mutiny an order came to us and the other Sardars to go to the village of Kapura. The Sardars said they had heard they were to be reduced, and the Gaekwar Government gave a verbal assurance to all the Pandra family that the lesser Sardars would not be reduced. I myself helped to assure these lesser Sardars. I am 25 or 30 years old. I refused to take my money from the Government on the report that these Sardars were to be reduced. I do not know whether or not any have been actually reduced. I have no personal complaint or quarrel now against the Government.

*In answer to Gaekwar's Agent* :—My contingent sowars have had their monthly pay of Rs. 957 regularly given to them. I have no written records in my possession.

3. NARAYENJI RAOJI JAGDEVRAO, of Baroda, states:—I have one Inam village, Ajor, Rs. 1,200. There are no co-sharers. I have also annual allowances of Rs. 26,000 for the support of my paga, &c. It dates from the time of Damajirao Gaekwar, but I cannot say the year. I have not received my emoluments for the last two years. The third year is now in progress. Out of the Rs. 26,000, I have received Rs. 983-8-0 monthly for the pay of my contingent sowars. The reason of my refusing to take the balance of my allowances is that in the year of the mutiny the Maharaj told the Sardars to go to Kapura. He came there himself with his Karbharis, &c., and the Sardars refusing to march, as they heard that they were to be reduced, the Maharaj himself told us to assure the lesser men that they would not be reduced. This assurance I personally, in company with the rest of the Pandare Bhaoband, gave to the Silledars. The Maharaj himself asked me to take my pay, but I refused to do so for the sake of the lesser Sardars. I do not know whether any Sardars have or have not been actually reduced. About five or six months ago some of these people came and told me that their allowances were diminished. My pay has been in arrears for two or three years, according to custom; but it is only within the last six months that I refused to take it. I have no personal complaint or cause of quarrel with the Gaekwar now. I have no knowledge of any written Sanad or papers. My Sanad is long prescription, *i.e.* enjoyment of the allowances in question. I consider them my Wuttun. There are many Silledars, but I cannot state their names.

4. MAHADAVRAO LOHAJIRAO, of Baroda, states:—I am of the Pandare family. I have one village, Lilaipur, Rs. 600, and an annual allowance of Rs. 16,500 or thereabouts. My occupation dates from the time of Damaji. Besides this my father had an allowance of Rs. 6,000, which was reduced on his death in Sanvat 1923 (A.D. 1866) by Khunderao. There are now two years of my pay in arrears, and the third year is now in progress. In the year of the mutiny Khunderao Maharaj came in person to Kapura, and assured us verbally that the lesser Sardars would not be reduced. This assurance I myself helped to convey to the lesser Sardars. I have no personal quarrel or cause of complaint against the Gaekwar. It is merely for the sake of these people that I refuse my pay. I do not know whether any of them have been reduced or not. People come to me to complain that they are reduced ; but I cannot name them, they are so numerous. I have no Sanad in my possession except my sword. I have received Rs. 600 monthly for my contingent sowars' pay out of the Rs. 16,500. It is about four months ago since I refused to take my pay.

*In answer to Gaekwar's Agent* :—I conveyed the late Gaekwar's assurance to all the lesser Sardars and Silledars, but cannot name any of them.

5. AMRATRAO LIMBAJIRAO PANDARE, of Baroda, states:—I have no village in Inam. I have an annual allowance of Rs. 18,325 for sowars, horses, palkis, &c. I hold it from the time of Damajirao Gaekwar. I have not received my pay for the last two years, and the third year is now in progress. I have received Rs. 7,000 annually out of my allowance for the pay of my contingent sowars. In the year 1857-58, the mutiny year, Khunderao Maharaj himself came to Kapura, and told us, the Pandare family, to assure the lesser Sardars that they would not be reduced. This assurance we gave. I do not know if this assurance has been broken. The Government knows. Some people—I cannot say how many, or who they were—came to me some twelve months ago, and told me their allowances were reduced. It was for this reason I refused to take my pay. This was some twelve months ago. My only Sanad is my long occupancy and tenure. I have no written documents. I have no private complaint or grievance against the Gaekwar's Government.

The Gaekwar's agents decline to cross-examine.

6. NARAYENRAO RAJA LAKSHMANRAO GHORPADE, of Baroda, states:—I have now no villages, and my total present allowance from the State is Rs. 25,000 annually. The origin of my establishment is lost in obscurity. My father died in Sanvat 1905 (A.D. 1848), and I was then at Mudhol, in the Belgam District. The whole was attached by Gunpatrao Maharaj. I returned in Sanvat 1911 (A.D. 1854), and in Sanvat 1918 (A.D. 1861) I got Rs. 25,000 back. The reason of confiscating the balance of my allowance was the Gaekwar's pleasure. The present allowance is for the pay of my horses, Paga, and general establishment. There are two years' pay in arrears, but the sowars of the Contingent included in my Tahinat have received monthly their pay of some Rs. 1,700. I refused to take my pay because the Pandare people refused to do so, and because

others did so. I cannot say who they were. I have no personal complaint or suit against the Gaekwar. I have no complaint about the amount by which my allowance was lessened. I may have proof of my claims, but I do not know where it may be.

The Gaekwar's agents decline to cross-examine.

7. Nawab Sahib Mir Kamaludin Husein Khan, of Baroda, states:—I have five villages Inam, and Rs, 96,000 allowance annually from the Gaekwar's Government. This dates from 80 years back, and was given to my grandfather Mir Nasrudin Husein by the Maharaja Govindrao, and has since been in the continuous enjoyment of my family. The allowance is for the pay of my establishment of sowars, keep of horses and servants, &c. The pay of the sowars is about 48,000 annually, and this has been received punctually by them every month. Out of this 27,000 goes monthly to the contingent sowars. The rest is for private sowars. I have received my pay up to Sanvat 1927 (A.D. 1870), and the third year of arrears is now current. I have refused to take my pay on three grounds:—

1st, because in Sanvat 1915 (A.D. 1858) the Maharaj Khanderao and others came to Kapura, where all the Sardars were assembled at the camp of the Pandare Sardars. I was very young at that time, and my uncle Seiad Hamid-ula was my guardian. The Sardars represented that their arms, &c., were old and useless, and that without good arms they could not fight. The Maharaj told us that we might keep all the Government weapons we had and go to battle. The smaller Sardars requested us to ask the Maharaj to assure them that they would not be reduced. The Maharaj promised us to do so, and on his word we assured the lesser Silledars. The matter then rested, but in last Posh (January) some of the Silledars and Sardars came to me and informed me they had been reduced. In consequence of this, I, the Pandare, and other great Sardars consulted as to what we should do. We arranged to inform the Maharaj of our grievance, and all went to the Commander-in-chief, Bapu Sahib. He is not now present. He told us to inform the Dewan Sahib, Sivajirao Khanvelker, who told us the Maharaj was making reductions. We then in a body gave a written petition to the Maharaj himself, which we all signed. The Maharaj said he would clear up matters. We then went to the Resident and told him our tale. The Maharaj was persuaded by the Resident or somehow induced to give orders for the payment in full of those who had no complaints; he settled some of the complaints, and some remained over, He also directed that the lesser Silledars should not be reduced. Those who have complaints have not been settled with as yet, but a promise has been made to inquire into their grievances. Neither we nor the Pandare people nor other great Sardars got our grievances settled at that time. We are now having our grievances inquired into by the Maharaj.

The 2nd grievance is that the Saoli Purgunna belonging to me, and two Dumala villages in the Vagodhi Purgunna, and one in the Baroda Purgunna are under attachment. We are now begging the Maharaj to remove the attachment. The attachment has lasted for four or five years, and has been on account of my quarrel with the late Bhow Scindia. The late Gaekwar, Khunderao, gave a verbal order before his death to have the attachment raised, but died before it was done. I then petitioned Mulharrao, and he ordered inquiry to be made. In the last two or three months he has been promising to have it removed, but he has not done so yet.

In the matter of the Saoli Purgunna, I have a Sanad from Seiaji Maharaj, which I now produce before the Commissioners. The date of this is about 1833–35, and I consider that it conveys to me the Saoli Purgunna in perpetuity free of service. The Purgunna was attached in Sanvat 1925 (A.D. 1868). There are 20 or 22 villages in it. The Gaekwar daily promises inquiry into the matter. The Purgunna was attached for the same reason as the villages named above, and Khunderao before his death gave verbal orders for the raising of the attachment. He died before his orders could be carried out.

I had a third grievance about two sums of Rs. 10,000 and Rs. 3,000, but they are settled now and I have no grievance remaining about them.

*Cross-examined by Gaekwar's Agent:*—The Silledars were servants, old servants of the Gaekwar. I do not know if any of the Silledars were actually reduced or not.

The Gaekwar's agents admit the genuineness of the signatures and seal of the Sanad on Raghunath Pandurang Kamdar, stating that they are genuine.

*Answer of the Durbar to Sardar Nawab Sahib Kamaludin (Statement No. 7):—*

1st.—The Sanad is not a Sanad, but an annual lease or farm contract and mentions the sum for which the lease or farm was granted, and the disbursements to be made were entered therein; similar documents were passed in previous years for certain periods from time to time.

On the resumption of Saoli Purgunna the Nawab received Rs. 10,000 annually, not as of right, but as an exercise of favour by the Gaekwar.

2nd.—The Dumala villages were not Inam, but Government granted to him in lieu of a portion of an annual allowance assigned for Sardar's service. Their proceeds were subject to an annual adjustment between him and the Durbar.

If the proceeds exceeded the value of the amount they represented, the excess was recovered by a corresponding reduction in the rest of the cash allowances.

3rd.—As to the assurance given at Kapura by Khanderao, the Durbar has no knowledge of the alleged assurance conveyed by him to the lesser Sardars. Had such been given, there would have been a record of it, which is not the case.

The original Sanad acknowledged to be genuine of A.D. 1818, together with the subsequent one of A.D. 1833–5, having been placed before the Commission and read by them, seemed, so far as they were able to judge, to bear out generally the statement of the Durbar.

8. Mir Ibrahim Ali Mir Akbar Alikhan, of Baroda, states:—I have an Inam village, Gotia, Rs. 14,000 or 15,000. It was first conferred on my grandfather on the recommendation

of the English Government. The name of my grandfather was Mir Sarfaraz Ali Khan. I cannot tell in what year, but it was in the time of Anandrao Gaekwar. My former allowances from the Gaekwar's Government amounted to Rs. 32,000 or thereabouts. Out of this there was a monthly sum of Rs. 800 or thereabouts for the pay of sowars now belonging to the contingent. They have been in the contingent for the last 10 years. Before this they were Silledar sowars under me. These sowars have received their pay monthly up to date. The balance of the Rs. 32,000 was for the support of my establishment, and for my service. Of the balance of the Rs. 32,000 I have only, since 1863, received a sum of Rs. 15,000 for the expenses of my marriage. I have heard that the balance has been paid annually by the Gaekwar's Government to a Sahukar, but I have received none myself, and I have never given any receipt for the money. The reason of the balance of the allowance being paid as above was that my father having died during the lifetime of my grandfather, my uncle, Mir Jafir Ali, conducted my affairs as my guardian for one year. At the expiry of that time the Gaekwar, Khunderao, transferred my service, estates and rights to another uncle, Mir Bakr Ali. This was in 1860, and I was at that time a boy of 12 or 13 years of age. This arrangement lasted till 1862, when on my application to Sir Bartle Frere, and his recommendation of me to the Gaekwar, I was reinstated in my father's property, &c., with additions of establishment which made up the whole to Rs. 40,000. The horses, elephants, &c., however, remained with Mir Bakr Ali. Some six months after that a false telegram was sent to the Government that Mir Jafir Ali was going to England on behalf of Mulharrao. Upon this Khunderao Maharaj summoned Mir Jafir Ali forthwith from Bombay. Mir Jafir Ali fell ill at Surat, and at once Khunderao confiscated my two Jagir villages and all the establishment as above belonging to me, and transferred my sowars who were at Amreli into the contingent. Two villages which had been bought from my private means were given over to Mir Bakr Ali. Mir Jafir Ali complained about this false telegram, and the proceeding consequent thereupon, to the Governor in Bombay, the Gaekwar in Baroda, and the Resident, but no inquiry was instituted into the matter. The Gaekwar sent a copy of what he had done to Mir Jafir Ali in Surat, who protested against it, and promised to attend at Baroda as soon as he was sufficiently well to do so; but he died. On his death Bakr Ali threatened and terrified his wife and my mother, and took everything into his own possession, and there it remained till Khunderao's death two years ago. Since Mulharrao's accession in 1872, the village of Gotia was restored to me, but nothing else. For the last eight years I have been living on money borrowed from bankers, because my establishment and allowances have been stopped. I represented to Mulharrao two years ago that I have suffered loss to the extent of a lakh of rupees, but all that he has done for me is to restore my village of Gotia. I am now one lakh in debt, and I have also sold family jewels to the value of another lakh, and with the money so obtained I have kept myself alive. My present complaint against Mulharrao is that he has not restored to me the establishment and emoluments of which I was deprived by Khunderao. All the sanads, papers, certificates, and records relating to me and my property are in the possession of Mir Bakr Ali, who has left Surat and goes to Gwalior, Bombay, and other places. My grandfather gave security to Gunpatrao Maharaj, for the good conduct of the father of one Radhan Mia and Dosa Mia. These men have lately come to me, and begged that I should become responsible to the Gaekwar for them as my grandfather was before me.

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*Cross-examined by the Gaekwar's Agents*:—I have refused to take my chits for payment for the two years 1927 (A.D. 1870) and 1928 (A.D. 1871) because my establishment has been so reduced. The reductions so made were my two villages, Mareli and Dameli (Jaghir), and Rs. 5,000 or Rs. 6,000 on account of sowars. Radhan Mia wanted my assurance that he should not be molested or hurt by the Gaekwar's Government in any way. I do not know if my grandfather gave any written security to Radhan Mia; he did to the Gaekwar's Government, in the time of Gunpatrao Maharaj, but I do not know the year. I was to give assurance to the Government for Dosa Mia. The Pandare, Ghorpade, and other Sardars also gave security for him; Dosa Mia was in jail two years ago, and our security was given to release him from custody. I petitioned the Durbar a few days ago about the Sindis. The Durbar replied asking in what way we were going to be security for them, and what our business was with them. We have not yet replied to this demand of the Durbar's, because we have not hitherto had time to do so.

The Durbar agent desires to defer further examination of this witness till he has consulted with the Durbar.

MIR IBRAHIM ALI re-examined:—I have refused to take my allowances for the last ten years on the grounds, 1st, that my establishment and emoluments had been unjustly reduced and my villages attached; 2nd, that lately we have heard that the Silledars, &c., were to be reduced, so we greater Sardars determined to see if by being of one mind and representing our grievances to the Government we could not obtain redress for all, and fearing also that we greater Sardars would meet with the same fate eventually as the smaller men.

*Note.*—The deponent has given three conflicting statements in the foregoing deposition; the fact being that he had anything but a clear notion of what he was saying, and did not seem to know clearly what his establishment or reductions had been.

*Reply of the Durbar in Sardar's case, No.* 8, *Mir Ibrahim Ali*:—

The Durbar alleges:—Two years ago, whatever property of his was in the possession of the Durbar then was handed back to him, and the property so returned included some land belonging to Mir Bakr Ali.

With regard to his establishment, &c., the accounts of the Durbar show that the amount due therefor has been regularly disbursed to him or on his account, and that at the present time a balance of Rs. 200 is all that is due to him now. Whatever reductions have been made were made by the late Gaekwar because he considered the men reduced were not required.

9. Dost Mahammad Zamin Mia, now of Baroda, states:—I have at present two Inam villages the income from which is Rs. 7,000 or 8,000. I also draw allowances of Rs. 67,000 annually from the Gaekwar's Government for the support of my establishment of sowars, servants, &c. The first establishment was allowed by the Gaekwar 115 years ago to my great grandfather, Hamid Jamadar. He was succeeded by my grandfather, Amin Sahib, who left at his death two legitimate and one illegitimate son. His property and establishment was divided into shares of seven annas to my father, Zamin Mia, seven annas to Haman Mia, the father of Radhan Mia, and two annas to the illegitimate son Morad Ali. I am my father's sole heir, and succeeded him in 1912 (A.D. 1855). I have a third village, Saral, Rs. 5,000 revenue, which was attached by the late Gaekwar, Khunderao, in Sanvat 1925 (A.D. 1868), on the ground that it was a Government village, and not one of my Inam villages. It had then been over 100 years in the possession of my family. The Sanad showing my right is in the possession of Radhan Mia's mother. Radhan himself died a year ago. He held the Sanad, as he was the elder brother. The three villages above mentioned are held by the three brothers or their representatives in the proportions named before. I mentioned my grievance to Khunderao Maharaj, but have said nothing about it to the present Gaekwar, against whom my complaint is that he does not let me manage the Mahal of Kheiralu, the management of which has been for more than 100 years in the possession of my family. Khunderao took the management away and gave me Rs. 10,000 annually in cash instead. This allowance Mulharrao refused to continue, but he has now consented to let me have it again. He has also dismissed 25 of my sowars, but has promised to restore them. I have another cause of complaint about a Dumala village, Kambale, revenue Rs. 5,000, which Khunderao Gaekwar confiscated as being a Government village. It had been ours for 80 years. We have no Sanad that we know of for Kambale. The present Gaekwar, Mulharrao, promises to inquire into this and to restore the village. I made my grievance known to the Dewan (Nana Sahib) of Mulharrao Gaekwar, and also to the Senaputty, Bapu Sahib, as is the usual custom. If they do not listen to our complaints we apply to the Maharaj personally. Out of the Rs. 67,000 which I ought to receive, I have not received anything for two years; the third year is now going on. I have refused to take my allowances on the same grounds that the Pandare, Ghorpade, and other Sardars have done. The orders have been issued for payment, but I have not taken my pay hitherto.

The Gaekwar's agent desires to postpone cross-examination till to-morrow.

*Reply of the Durbar*:—The village of Saral was a Dumala village granted to him as part payment of his allowances, and when it was resumed we gave him Rs. 2,500 annually in cash instead.

Similarly with the Purgunna of Kheiralu, he only had the management of the Purgunna, and on that being taken away we gave him an allowance of Rs. 10,000 instead, as in the case of the Saoli Purgunna. Kambale was also a Dumala village which we resumed, and for which we gave an equivalent in cash. They were all taken up by Khunderao.

10. Narayenrao Ramrao Gupte, resident in Baroda, states:—My father Ramrao was the first of our family who came to Baroda. He came with Govindrao Maharaj. I have our Inam village Antroli, revenue Rs. 4,000, or thereabouts, which I hold in equal shares with my first cousin, Kasinath Narayenrao. I also have allowances of Rs. 10,000 annually from the Gaekwar Government for the support of my establishment of sowars, &c. This and all my other property I hold in equal shares with my aforesaid cousin, Kasinath. I formerly held five villages, a Jaghir of Rs. 20,000. Out of these, four villages were resumed from me 50 or 60 years ago. The Gaekwar gave them and took them away again. I have no complaint to make about them. I have now no grievance whatsoever against the present Gaekwar, as he has promised to keep up my "Nemnuk" establishment on the scale maintained by the late Gaekwar. Some fifteen days ago I got all my arrears of pay for two years back. My grievance was that out of my Rs. 10,000 Mulharrao stopped 8,000, but he has, as above said, given me chits for the total amount. I did not join with the Pandare and other Sardars in refusing to take my pay. The Rs. 8,000 were stopped some six months ago. There was no reason assigned for doing this. It was the Sarkar's pleasure. The money and Pagah (establishment of sowars) were not given away to anyone. I got the order that they were dismissed.

The Gaekwar's agents decline to cross-examine.

11. Abdul Rahman Abdulla, Arab, of Baroda, states:—My father came from Arabia some 80 years ago, and entered the service of Fattehsinghrao Gaekwar. About three years ago, in Sanvat 1926 (A.D. 1869–70), on the accession of Mulharrao, all my establishment was dismissed. I had 100 sowars under me, and they were all dismissed; I got Rs. 14,000 from the Government annually, 1,000 monthly for the sowars, and the balance for palki and personal allowances; I produce a Sanad given to me by Khunderao Gaekwar in Sanvat 1924 (A.D. 1867–68), allowing me Rs. 100 a month as personal allowance for distinguished service in the Naikra outbreak that year in the Panch Mahals. The Sanad grants this allowance to me and my heirs in perpetuity.

N.B.—(This Sanad is shown to Raghunath Pandurang Kamdar in the Farnavis' office of the Gaekwar's establishment, on whose statement of its correctness the Gaekwar's agents admit the signature and seal being genuine.) Since then I have lived by borrowing money and any way I can. What choice have I? I want to be restored to my former position. I have represented to the Dewan that I have been for 45 years a Government servant and have done no man wrong or injury. He heard all I had to say. He sent me to Hariba Gaekwar, the revenue commissioner, who did nothing for me. I have no knowledge of the reason of my dismissal. I was suddenly informed of it and told to go. I had also a Karkhana of 10 foot soldiers at Kadi, and one and a half years ago they were also dismissed without cause assigned.

The Gaekwar's agents reserve cross-examination.

*Reply of the Durbar to the statement of Abdul Rahman*, No. 11:—The present Governmen having no confidence in him dispensed with his services.

The complainant was not present when the defence was made, though he was on the 15th.

The Durbar further states that the allegation made by Abdul Rahman that he had charge of horse under Fattehsing is untrue. He was made Jemadar of 100 foot in the time of Khunderao Gaekwar.

12. NARAYENRAO SHIVRAO GOVINDRAO, Harpale of Baroda:—The first of our family to come to Baroda was our grandfather, Naoji, about 100 years ago. I do not know who was the Gaekwar then. Our present "Tahinat" is Rs. 5,800 for sowars. We have no Inam villages, and are equal sharers in all our property. Formerly our emoluments were Rs. 36,000 in all, but that was all broken up more than 70 years ago, and we have no grievance on that subject. Since Sanvat 1928 (A.D. 1871), the present Gaekwar, Mulharrao, and his commander of contingent, Nana Sahib Khanvelkar, the minister, have transferred 12 of our sowars into the contingent, leaving us with two only. They have taken away the horses and all their furniture, and have also stopped the pay. We do not get a "paisa" of pay now, nor have we since 1928 (A.D. 1871). We have been deprived of our emoluments because we were suspected of helping Jamnabae, the Rani of Khunderao, whose sister is the wife of me, Narayenrao. Our desire is to have our emoluments restored, and to be assured of safety from future molestations. We have made petitions to the Dewan and the Commander-in-Chief, but no one listens to us. The only answer we get is, "you are dismissed." We never had any Sanads beyond our long-continued occupancy. The horses which were taken from us were our private property, bought with our own money.

Cross-examination deferred till 15th instant.

*Reply of the Durbar in the case of Narayenrao and Shivrao Harpale, No. 12*:—The statement is admitted to be correct generally. The Durbar having no confidence in them dispensed with their services. If there is any private property of theirs found to be in our possession, it will be restored after inquiry.

13. ALI MAHAMAD RAYA ALI, of Baroda, states:—I was born in Baroda, but my father came to it about 80 years ago. My maternal grandfather, Jemadar Shakar, was the first of my family here in the time of Anabarao. My present establishment has been abolished. I had 25 footmen in the time of Khunderao Maharaj. He reduced four men. Nine months ago I got a verbal order from the Sebandi commander that all my 21 men were transferred to the command of Yeshwuntrao, one of the Gaekwar's personal followers. I petitioned the Commander-in-Chief, the Dewan, and others, but was only abused for my pains, and no one would listen to me. I have not received my pay for nine months. I want my establishment and position restored to me. There was no cause given for removing these men beyond that it was the Sarkar's pleasure. The pay I got was Rs. 2,000 annually before any reductions took place.

*Cross-examined by Gaekwar's Agents*:—I have heard that Yeshwuntrao has been dismissed. I have not been told that chits have been made out for the pay. The Karkoon Babarao in the Commander-in-Chief's office did tell me my men were to be restored to me. I have not informed the Commander-in-Chief that my men have not been re-transferred to me. I never see him. His Karkuns conduct his business. My Karkun did read the list of men to be restored to me, but they were only names. I have not seen the men.

*Recalled and re-examined*:—In the year Sanvat 1923 (A.D. 1866), on the outbreak of Waghirs at Okamandal, an additional levy of 300 men was required to be raised, besides the previous regular Mahal establishment of 200 men. Previous to this I had no concern with the latter establishment. The rate of pay of the new levy was Rs. 2 less than the customary rate of Rs. 10. No one would raise men at the lesser rate till I came forward. I brought 300 men, and the command of the whole force of 500 was given to me. When the outbreak was suppressed the 300 men were discharged, and I was deprived of the command of the 200 regulars about seven months after the present Maharaj's accession. The present commander is Sheikji Sahib, one of Mulharrao Gaekwar's personal followers. My complaint is that, though I made this contract at a much lower rate than anyone else and benefited the Government, I have been deprived of my service. When the levy was 500 strong I got Rs. 175 pay, and when only 200 strong I got Rs. 75 monthly.

The Gaekwar's agents decline to cross-examine.

*Reply of the Durbar*:—The cause of the complaint as to the charge of his 21 foot being given to Eshvantrao has been removed; and as regards the transfer of the command of the 200 men in the mahal from him to another man, we had a right to do so, as is shown by our previously having taken them from a former commander and handed them over to him.

14. GUNPATRAO OR BALVANTRAO BIN MADHAVRAO, Dhamdere of Baroda, states:—My allowances are Rs. 45,200 annually, for the pay of my establishment of Silledars, &c. I have also one Inam village, Brahmangam, revenue Rs. 10,000, or thereabout. The first of my family was Ganpatrao, who came hither in the time of Anandrao Maharaj, about 80 years ago. I am his direct heir. On the death of Girjajirao, my grandfather, in Sanvat 1918 (A.D. 1861), my father's establishment was reduced to Rs. 34,915 by Khanderao Maharaj for no reason beyond that it was his own pleasure. My father died, killed by a boar, in Sanvat 1928 (A.D. 1871), and the whole of my establishment was confiscated by Malharrao Maharaj for no fault or reason whatsoever. The Inam village also was confiscated. My complaint is that I have been deprived of everything I possess in the world, and I want my estate, &c. restored to me. The estate, &c. was originally conferred for services rendered by my great grandfather. I have a Sanad in my possession, which I now produce, for the Inam village.

N.B.—The Sanad is acknowledged by the Gaekwar's agents to be correct and genuine. It bestows the village of Brahmangam on Gunpatrao (the grandfather of this witness) and his heirs for ever, in consideration of service rendered by him to the State.

I hand in, also, a list of private property of which I have been deprived, amounting to Rs. 2,02,289–8–0. I am an adopted son. The Gaekwar, Mulharrao, consented to the adoption in the month of Sanvat 1928 (A.D. 1871), Vaisakh (May). The order of consent was verbal, but there was a written order accepting my service. I produce a copy of this, dated 19th October 1871. The original is in the possession of the Silledar Bakshi. (The Silledar Bakshi is present, and acknowledges the correctness of the copy produced.)

*Cross-examined by Gaekwar's Agent :*—Mahadavrao, my own brother and immediate predecessor, was the adopted son of Girjajirao. I was adopted by my brother Mahadavrao's widow.

The agents of the Gaekwar reserve the rest of their cross-examination.

The following genealogical table is produced by the witness :—

Gunpatrao, original grantee, dying childless,
adopted
Girjaji, who also dying childless,
adopted
Mahadavrao Dinkar. He being killed, his widow
adopted his brother
Gunpatrao Dinkar, the present claimant.

*Re-called.*—On the death of Mahadavrao, my Vakil, Uma Kant Tatya, went up to Baroda by desire of the widow, and mentioned to Balwuntrao Raholkar, the Gaekwar's Dewan, her wish to adopt the younger brother of her husband. The Dewan gave him a verbal reply of "Very well ; take his service." No "poshak" was given at that time. Up to the present time I have received no "poshak." The Dewan and officers of the Government have never come to our house to take pansopari.* All the official ceremonials about my adoption are in abeyance.

* *i.e.*, to complete the official acknowledgment of the adoption.

*Reply of the Durbar :*—We state that Mahadavrao on his death left one widow, and two wives of his father, one of whom was his own mother. We do not recognise the present claimant as the heir at all. No adoption has been sanctioned or recognised by the Government. As there was a doubt as to the heir, the property was attached immediately on Mahadavrao's death, and, until it has been decided who the heir is, the possession of the private property remains in abeyance.

14. A. Balvantrao Bhikaji Rahurkar is called by Colonel Phayre on behalf of Gunpatrao Damdere, and states :—I was the Naib Dewan of Mulharrao Gaekwar in 1870–71. A Karkun of the Damdere family, by name Tatya, reported the death of Madhavrao to the Gaekwar, and fifteen days afterwards this Tatya brought a boy to me, brother of Mahadavrao, whom I took to the Maharaj and presented as the person whom the Damderes wished to adopt. The Gaekwar, Mulharrao, said he should be adopted according to custom. He gave no poshak. Next day Hariba said that he should present "Nazarana," and that he must bring security. He was not able to find security. This was in May 1871. The boy now present is the same whom I presented to the Maharaj. This is the claimant Gunpatrao Mahadavrao.

15. Shah Mahammad Radhan Mia, now of Baroda, states:—The first of my family to arrive in Baroda was Hamid Jamadar, about 125 years ago. My present allowances are Rs. 85,000 annually, for the support of myself, sowars, and establishment. I have a 7 as. share in the village of Saral, value Rs. 6,000, or thereabouts. In the year Sanvat 1925 (A.D. 1868), the late Gaekwar, Khunderao, deprived me of my village Saral, on the ground that it was a Government village. It had been in our possession from Sanvat 1831 (A.D. 1772), and was originally conferred on Hamid Jamadar by Fattehsing Maharaj. I have the Sanad giving it to him, which I now produce. (The Gaekwar's Agents deny this Sanad on the ground that, professing to be written by Fattehsing, it has the seal of Sejaji.) The language is Guzerathi. I produce a second Sanad (authenticity admitted by the Durbar) dated Sanvat 1833 (A.D. 1774), assigning a 7 as. share in the village of Saral to Hamid bin Amin ; 7 as. to his younger brother, Jamin Jemadar, and 2 as. to the natural brother, Morad Ali. This Sanad grants the village in perpetuity to them and their heirs. I also produce two orders from the Gaekwar (admitted to be authentic), dated Sanvat 1867 (A.D. 1811), one telling the Patel of Saral that the village has been granted in perpetuity to Amin Jemadar, the other telling the village accountant to give over charge of the village to Amin Jemadar's men. In the month of June last, or a year after the death of Radhan Mia, who was my predecessor in the post I claim, and whose adopted son I am, my allowance of Rs. 85,000 was stopped by Mulharrao. I was adopted by Radhan Mia on the day of his death, while he was still alive, and received on the third day the customary "poshak" from Government. The people of the Durbar, who usually pay a visit on such occasions, came and had pansopari at my house. There was no reason whatever for stopping my allowances. Nana Sahib, the present Minister, did it to appropriate them himself. Previous to this, the charge of the Mahal of Atarsumba, for which he enjoyed an allowance, was Rs. 25,000 or 30,000 annually, was taken from Radham Mia by Khunderao Gaekwar. This 25,000 was part of the Rs. 85,000 alluded to above. I had 25 sowars in addition to the charge already stated. Of these 10 were discharged in Bhadarvad, Sanvat 1928 (July–August A.D. 1871), and the remaining 15 were discharged last month. The horses were my private property.

I am now left utterly ruined. On the day of Rhadhan Mia's death I gave a chit for a nazarana of Rs. 1,00,000 to the Durbar, on account of my succession as his heir, and to his post and property. I got no receipt from the Durbar.

A portion of the Rs. 85,000 was Rs. 10,000 given to us as compensation for the loss of the management of the Atarsumba Mahal. I further produce an order from the present Commander-in-Chief, Bapuji Sahib, to Ramkrishn Sudaseo Punekar, stating that "all the property of Radhan "Mia, deceased, which had been under attachment, should be released, and taken care of for his

" son Shah Mahammad." It is dated Shravan (August), Sanvat 1929 (A.D. 1872). (It is acknowledged to be genuine by the Gaekwar's agents.)

I claim now from the present Gaekwar all that was enjoyed by my father, Radhan Mia, as I have stated above.

The Gaekwar's agents reserve cross-examination.

*Reply of the Durbar*:—We do not recognise the adoption, there being no adoption under Mahomedan law. As sister's son of Radhan Mia he is only residuary legatee.

On the death of Radhan Mia, the boy Shah Mahammad offered a Nazarana of Rs. 1,00,000. This offer was considered for a year, during which time the establishment was continued in Shah Mahammad's name. At the end of that time it was resolved to refuse the Nazarana, to take up the Pagah, and dismiss him from the command, but having consideration for him, we made him a personal allowance of Rs. 200 a month. We have taken no horses or private property at all.

16. MAHUBULA KHAN NAZAR MAHAMMAD KHAN, now of Baroda:—I have no claim myself, but I appear on behalf of my daughter, who married one Telaji Abdul Satar Silledar, who received from the Gaekwar Rs. 1,800 on account of his knowledge of archery and wrestling. Seiaji Gaekwar was the person who made the grant about A.D. 1833. Up to about the year Sanvat 1914 (A.D. 1857) Rs. 1,800 were paid. In that year Khanderao Gaekwar, instead of continuing the Rs. 1,800, gave Rs. 1,000 a year, and a village called Akota, the annual revenue of which was Rs. 4,000. The reason of this increase was because Telaji became the teacher of the Gaekwar in athletic exercises. About 40 years ago Telaji Abdul married my daughter. In Sanvat 1918 (A.D. 1861) Khunderao gave Telaji a palanquin allowance of Rs. 600 a year on account of the causes above stated. This property was held until Sanvat 1927 (A.D. 1870). Then Telaji fell ill and stayed in his house for two months or so. In the meantime Mulharrao Gaekwar ascended the throne, and he, without any cause, attached the village. About a month after Telaji died, and the Gaekwar, Mulharrao, attached all his property, and gave his two widows Rs. 25 a month for six months. Then about 18 months ago the payments were stopped, and they have not since then been paid. In support of my claim I produce a Sanad for the village of Akota, granting it to Telaji Abdul on hereditary tenure. (The genuineness of this sanad is allowed by the Durbar.) I also produce a Sanad granting the palki allowance to Telaji hereditarily. (This Sanad is also allowed to be genuine by the Durbar.) After the death of Telaji his private property was also attached, and property to the amount of Rs. 55,000 was taken away by the orders of Mulharrao Gaekwar, and Rs. 20,000 were also taken away which were in the village of Akota. My claim is that all this property which has been taken away may be restored to me.

The Gaekwar's agents defer cross-examination.

*Reply of the Durbar in Sardar's case, No.* 16, *Mahubula Khan* :—The two widows quarrelled with each other as to the right of succession to the estate. The Durbar, therefore, took possession of the estate for the time being. One of the widows is dead, and if the survivor petitions the Government, inquiry will be made.

17. MAHADAVRAO JESHINGRAO GAEKWAR, of Baroda, states:—The first of my family was Pilajirao Gaekwar, who came to this country about 130 years ago. I get Rs. 30,000 annually from the State on account of my pagah. I have two Inam villages, value about Rs. 6,000 and 2,000 respectively. Anandrao Maharaj gave my father these two villages. My father died some 40 years ago when I was a little boy. The villages are in the "Matosri Taraf." They came under the management of my family Karkun, Bhao Jivaji, who mismanaged affairs, and I petitioned Khunderao in Sanvat 1920 (A.D. 1863) to give me the management of my Pagah and affairs, as I had now come to years of discretion. Khunderao did as I requested, and for two years I carried it on. The management was then transferred to my mother, who handed it over to Bhao Jivaji. This lasted for about two years more, till the death of Khunderao Maharaj. On the accession of Mulharrao I petitioned him, and he ordered that I should give subsistence to my mother and carry on the Vahivat myself. I managed for the next six months, when, from some machinations of the Durbar, the whole of my property was taken from me, and re-transferred to my mother and Bhao Jivaji. I have represented all this to the Sarkar, but they do not attend to me. My prayer is that all my estate and property may be restored to me. I have no Sanads or documents in my possession.

*Cross-examined by Gaekwar's Agents*:—I personally contracted no debts while I was in charge of the pagah. I do not know what was the reason, if any, for taking the Pagah from my charge and giving it back to my mother. The Sarkar by Nana Sahib Khanvelkar offered me Rs. 125 monthly, but I said I was my father's son and entitled to my estate, and refused to take the allowance. My mother and the Karkun, Bhao Jivaji, gave a Nazarana to Nana Sahib, and my estate was then transferred. I do not know whether any suit for debt was instituted against me in the Mahi Kanta (Sadra) agent's court, or decree sent down hither to be executed against me. The Nazarana which my mother gave was the attachment and seizure of my property by Tatya Pant, the Commander-in-Chief's Karkun. This was given to the Sarkar. The value of the property was Rs. 50,000 or thereabouts.

The Gaekwar's agents desire to defer their further cross-examination in this case.

*Reply of the Durbar to statement of Mahadavrao Gaekwar, No.* 17:—His statement generally is correct, but is justified by the Durbar on the ground that his mother had represented he was so deeply in debt that he could not keep his Pagah and sowars in proper order. The management of the Pagah was, therefore, handed over to her, and he was allowed Rs. 125 a month and a horse. His private property was attached and taken possession of by the Durbar at the instance of his mother. A list is kept in the Durbar. The property will be disposed of as his mother may

direct. Complaints against the inefficient state of his sowars have also been received from the Sadra Political Agent.

18. GANGAJIRAO TRIMBAKRAO KHANVELKAR states:—I have one Inam villlage, Pilol by name, and allowances to the amount of Rs. 30,000 annually. I have still the Inam village valued at Rs. 5,000 or so, but my allowances have been stopped. The allowances and the village were granted to me by Seiajirao Gaekwar some 38 years ago. I got them from him on marrying his daughter. My only service was personal attendance on the Gaekwar. On the death of Khanderao Maharaj, the present Gaekwar stopped the allowances. These were for the support of my sowars. There was no written order given, or reason assigned for my losing my allowances; I merely had a verbal order one day that they were stopped. The present Dewan, Nana Sahib's father, used to enjoy 8,000 of the 30,000; while I got the remaining Rs. 22,000 and a further sum of Rs. 2,000 for miscellaneous expenses. I do not know who enjoys these allowances now. They have gone to the Government and have left me and my family. In A.D. 1858 Khunderao transferred my share of the above establishment, viz., Rs. 22,000, to my son Mulajirao, and granted Rs. 4,000 additional to my younger son Amrutrao. He kept me near his person for two years, when he made me the "Sooba" of the Deesa Contingent with an annual allowance of Rs. 29,800. On the news of the death of Khunderao reaching me, I at once left my charge at Deesa, came to Baroda, and went to Nana Sahib Khanvelkar, my nephew. He and I fell out about the distribution of some property, and eight or fifteen days afterwards, on Nana's representations to the Gaekwar, Mulharrao, I was deprived of all my property and commands. I was deprived even of my house, my former establishment of sepoys given to me by Seiajirao, and all that I had in Baroda, and having no other means of subsistence, I went off to my Inam village. I was shortly afterwards warned to clear out even from there. Nana Sahib took six horses, my private property, two palkis, also private property, my residence, Paga, and another house of mine, all in Baroda. All the personal property that I had packed on carts when I left Baroda, was taken from them, thrown out and destroyed. The value of the private property destroyed was about Rs. 4,500. This was exclusive of the houses, which were worth about Rs. 50,000. All I want now is to have my property and estates restored to me. I produce the grant given me in A.D. 1836–37, showing the original establishment given me by Seiajirao Gaekwar, as already described. (This Sanad is allowed to be genuine by the Gaekwar's agent.)

I produce also a Sanad from Khunderao, showing my appointment and allowances as Sooba of the Deesa Contingent as stated above. (This is also acknowledged to be genuine.) There is no sanad showing the transfer of my original charge from me to my sons, but the order, therefore, will no doubt be found in the Government records.

The Gaekwar's agents reserve cross-examination.

*Reply of the Durbar*:—The "Nemnook" was given to him by Seiajirao in consequence of his marrying Seiaji's daughter. On her death the relationship ceased, and the ground for continuing the allowances was finished. Government was no longer bound to continue them. The village Pilol given to his wife was, however, left to him absolutely. Similar resumptions under similar circumstances were customary under previous Gaekwars. On the ground of domestic quarrels, viz.:—

That Gangajirao, when in power under the late Gaekwar Khanderao, had deprived the father-in-law of the present Gaekwar of his "Nemnook," and expelled him from Baroda, it was considered unadvisable to continue the allowances.

2nd. The horses taken from him were in lieu of Government horses which he had not returned when deprived of his Sooba. We took six, but he still owes us seven, the number of Government horses in his possession being thirteen. He also owes the State about Rs. 15,000. We have taken no private property.

3rd. The house he was deprived of was Government and not private property.

19. GUNAJIRAO GANGAJIRAO KHANVELKAR states:—About eight years ago I had my father's allowance of Rs. 22,000 given to me on the ground of my being Seiajirao's grandson and Khunderao's nephew; my father was then alive, and is still living. Some three years ago, on the accession of Mulharrao, Nana Sahib, the present Dewan, came from his home in the Ratnagiri district, and making his own representations to the Gaekwar, I was forbidden to come to meet Malharrao, and told to leave Baroda at once. I therefore went to Pilol. My establishment of Rs. 22,000 was confiscated by the Sarkar, but I do not know to whom it was given. Two sepoys and sowars came to Pilol a month afterwards and confiscated six of our horses, four belonging to my father, two to me. My two were worth Rs. 1,400 or 1,500. They also took our Vada, Paga, &c., as stated by my father. The reason of all this being done to us was a private quarrel of my father with Nana Sahib about some land in the Ratnagiri district. My present claim is to have my two horses and my charge of Rs. 22,000 restored to me. The record of the change of the establishment of Rs. 22,000 from my father's charge to mine is to be found in the Government records. I have none.

The Gaekwar's agents reserve cross-examination.

*Reply of the Durbar*:—No regular grants were made to him in Khunderao's time, and we resumed the allowances made to him on the same grounds as we did those made to his father, thinking we had a perfect right to do so.

20. AMRUTRAO GANGAJIRAO KHANVELKAR states:—Some ten years ago Khunderao Maharaj made me an allowance of Rs. 4,000 annually on account of my expenses as the descendant* of my ancestors. On Khunderao's death Mulharrao, the present Gaekwar, stopped the payment of this sum. I drew the money for seven years. I did nothing for the salary except remain near the person of Khunderao. I do not know why it was stopped. I

* *i.e.* grandson of Seiajirao and nephew of present Gaekwar.

was merely told that it was stopped. I want my allowance for these three years paid up and to be secured to me.

The Gaekwar's agents defer cross-examination.

*Reply of the Durbar*:—We give the same reply as in case No. 19, GUNAJIRAO.

21. BALAJI GOVINDLAL, of Ahmedabad, states:—I appear as representative of Motilal Samal, the bankers of Baroda, Ahmedabad, Surat, and Bombay. I am Motilal's son-in-law. He died two or three months ago from grief, and has left a son five years old. I am now the representative of the firm. Our firm originally belonged to Ahmedabad. Samal was the founder of the firm 100 or 125 years ago, and received, in return for his services as supply agent and banker to the Baroda State, from Govindrao Maharaj, a Pagah of 62 horses, one palkhi, and ten footmen. The Inam village of Aurungpur, now Dewalipur, was given to him by Seiaji Maharaj. We had a Sanad for these till A.D. 1840, but lost it on the burning of our house that year in Baroda. We saved a copy of this Sanad, but lost the original.

After Samal came Motilal and Harilal in A.D. 1829, who were continued in the establishments above detailed, and also received another palkhi and two more villages, Gadula and Jivkor. These were given to the firm by Seiaji Maharaj for banking services rendered to the Gaekwar Government. He also gave them a grant in that year, 1829, to the effect that we were continued in all Samal's honours. I produce the original grant. (The genuineness of the Sanad is admitted by the Gaekwar's agent. It professes to continue the allowances, &c., granted to Samal, so long as Harilal and Motilal continue to serve the State as bankers, and confirms the statement of the witness.) I produce a second original Sanad conferring the rights on us in perpetuity of the two palkhis. (This is also acknowledged to be genuine.)

In the time of the Maharaj Khunderao an allowance of Rs. 900 annually was conferred hereditarily on Motilal, for peons as runners to precede him. I produce the "karar" (which is acknowledged to be genuine by the Gaekwar's agents). In 1865, in place of Jivkor we got the village of Fattehpur, Rs. 1,280, from Khunderao in perpetuity. I produce the Sanad showing this. (This is also acknowledged to be genuine.) I produce a copy of the Sanad granting Dewalipur in perpetuity, the original of which was burnt as stated above. I produce the original sanad for Gadula, granting it annually (admitted to be genuine).

The total value of our allowances in the way of Pagah, palkis, personal allowances, and Inam villages came to about Rs. 35,000 annually. The whole of these allowances, &c. were stopped fifteen months ago by Mulharrao, the present Gaekwar. The ostensible ground of his stopping them was a false claim for debts owed to the State for fifty years past. He claimed Rs. 1,25,000 in all from us. Out of this sum he said he found from our books Rs. 64,000 owing to the State. He took away our books, and has since kept them in his own possession. We do not admit the debt at all. The Nana Sahib has, however, since settled this with us, and we have no complaint to make about it. There was a second item of Rs. 50,000, which Nana Sahib has now settled, and we have no quarrel about that. There remains but one item of Rs. 20,000, which the present Government claims as a court fee on a suit for Rs. 3,84,000 which we brought against Bechar Nathu in the first Court of the Gaekwar. Khunderao, however, exempted us from the fee, and directed that the suit should proceed without fees being taken. We, therefore, now object to pay the money. The total amount due to us now by the Sardars, Silledars, &c. is about 15 lakhs of rupees. This amount I claim that the Gaekwar's Government should assist me in recovering from these Sardars and Silledars, by deducting the amounts due to me from their pay.

The value of the horses which formed my Pagah in the Kattywar Contingent, 62 in number, confiscated at the same time, was about Rs. 12,000, including their equipments. All the private property of the firm which was in Gaekwari territory has been attached. I cannot say what was the value of it. Motilal after this petitioned the Resident, and lived for four months in the camp here, in a place assigned to him by the Resident. Motilal went to Ahmedabad on urgent business about fifteen months ago. The day after he left, his property and everything was attached, and he remained in Ahmedabad till he came to Baroda about six months ago. He then stayed, as I said before, in camp for four months, and died after an illness of a few days in Ahmedabad, to which place he returned when he first fell ill. I succeeded him in the business, and am new to it. I have lost lakhs of rupees from this, and have been forced to close my banks in Ahmedabad, Surat, and Bombay. No one will do any business with me now I have lost my credit.

The Gaekwar's agents reserve cross-examination.

*Reply of the Durbar*:—We divide our answer into six heads:—

1st. With reference to the Pagah being attached and confiscated, we say that Motilal has shown no right to have his Pagah in perpetuity, and the Maharaj considered that when Motilal left Baroda without his leave, he had a right to resume his Pagah. He accordingly did so. The horses of the Pagah, 62 in number, we admit to be private property, but at the time we took them we thought they were the Silledar's horses. The State dealings with Motilal have not yet been completed. When accounts are adjusted his horses will be restored to him.

2nd. With reference to the confiscation of his Inam village, we state that it was given to the firm at a time when it had had extensive dealings with the Government, and when large sums were due to the bankers. It was given in part satisfaction of the Government debts. When the village was resumed the Government did so, considering from an examination of its own accounts that the debt had been paid in full, and that there was no necessity for continuing the grant any longer. The bank's books were not compared with those of the State. The bankers did not appear for this purpose.

3rd. With reference to the confiscation of the sepoy "Nemnook," the Government considered that Motilal having left Baroda without permission was no longer a State servant, and that it had, therefore, the right to resume the establishment.

4th. Motilal having gone away from Baroda without leave, and there being no one in charge of his shops and property in Baroda, they were put under attachment, locks and seals were put on, but no list of property was made out. Information was given to the Resident six or seven months ago that Motilal was at liberty to come and take possession of his property, but he never came.

5th. The payments of sums guaranteed by the Government will be made according to the terms of the guarantee.

6th. The fees demanded from Motilal were usual and such as it is customary to demand in the cases of suitors in the civil courts. We deny that Khunderao ever forgave the fees as alleged.

The Gaekwar's agents further state that in Khunderao's time the question arose as to whether or no State bankers should be allowed to bring actions on plain paper or not, and that in several instances it was decided that they should not.

22. BHASKARAO VITHAL, now of Baroda, states :—The first of my family to come to Baroda was my grandfather, Babaji, who was succeeded by my father. Vithal Babaji received from Anandrao, for services rendered in Kattywar, two Inam villages and allowances of Rs. 60,000 annually, &c. My father, Vithal, was continued in his honours. In the year Sanvat 1890 (A.D. 1833–34) my affairs were settled, and I received a Sanad from Seiaji Maharaj, which I now produce. [This Sanad (admitted to be genuine) conveys sanction of the Government to the adoption of Bhasker Vithalrao, and the continuation in perpetuity of the honours bestowed on his father.] The date is A.D. 1830.

I next produce a Sanad dated Sanvat 1867 (A.D. 1804) granting the two Inam villages to Babaji in perpetuity (admitted to be genuine). The Vahivat of these two villages was carried on by me for forty years, and was taken from me in Sanvat 1924 (A.D. 1867) by Khanderao.

The state of my affairs in A.D. 1833–34, when the guarantee was taken from me, was thus :—

| | Rupees. |
|---|---|
| Karkun establishment - - - | 22,900 |
| Personal - - - - - | 60,000 |
| Pagah - - - - - | 30,000 |
| Two Inam villages - - - | 10,000 |
| Total - - | 1,22,900 |

This lasted till Sanvat 1911 (A.D. 1854), when Gunpatrao stopped all but the 30,000 pagah and 10,000 Inam villages. These remained with me, as stated before, till Sanvat 1924 (A.D. 1867), when they were stopped by Khunderao. I have been promised over and over again to get them back, but I have not had any of them restored. No reason was assigned for stopping them. My desire now is that my houses and establishment should be restored to me.

*Cross-examined by Gaekwar's Agents* :—I did go to Jodhpur, but after I had asked the leave of the Gaekwar to do so. Bhow Scindia, his Minister, gave me verbal permission. I did not get the "poshak" on leaving the Baroda Court. I was not his servant. He (*i.e.* Khunderao) had stopped my Rs. 60,000 allowance. How, then, was I his servant? I was doing the pagah service of Rs. 30,000 at that time.

The Gaekwar's agents admit the fact of the stoppage of the Pagah allowance of Rs. 30,000 and of the resumption of the Inam villages, valued at Rs. 10,000, alleging as the reason therefor that complainant had left Baroda for Jodhpur without the orders of the late Gaekwar Khunderao, and that he was thus punished for his disobedience. The present Gaekwar, they add, has done nothing in the matter.

*Re-examined by Commission* :—I have not been into the city of Baroda for two years past. The present Gaekwar, Mulharrao, has forbidden me to enter it, and had me expelled thence two months ago, when I went to my house.

The Gaekwar's agents defer cross-examination on this point.

*Reply of the Durbar in Case No. 22, Bhaskarao Vithal* :—With reference to Bhaskarao Vithal's assertion that he has been expelled from the city of Baroda, the Durbar agents state that Khunderao gave the order for expulsion, and the present Gaekwar has not thought it advisable to rescind the order.

With reference to the dismissal of Bhaskarao for going to Jodhpur without leave, the Durbar agents state that he went there to take service under the Raja of Jodhpur, and the Gaekwar, being displeased, gave him his dismissal.

23. SAHEBSING and NASIBSING, Sons of Bhimsing, depose :—We formerly had annual allowances of Rs. 700 for a palki and Rs. 8,000 for a Tahinat of six sowars and sixty-five footmen, the latter in Patan. The late Gaekwar resumed the palki allowance eleven years ago, and reduced the tahinat by two sowars and all the footmen five or six years ago; our allowance being at the same time diminished by Rs. 3,000. We appealed to the late Gaekwar against this proceeding, but our petition was rejected.

We have also recently petitioned the present Gaekwar to the same effect, but have as yet got no answer.

We have also a complaint about a garden in the city of Baroda which has been injured by a Durbar Kamdar, causing us a loss of Rs. 200. We have petitioned the Maharaja in this case, but have got no redress.

The Durbar agent remarks that this is not a case against the Maharaja personally, and that the complaint regarding the garden is still under investigation.

The Commission consider further inquiry in this case unnecessary.

24. ANANDRAO GOVIND PHANSE, of Baroda, states:—My family first came to Baroda 75 years ago, in the time of Govindrao Maharaj. My great grandfather, in consequence of his services as mamlutdar, received from Govindrao one Inam village, Umetha, revenue Rs. 1,000 annually. His son, my grandfather, Sivaji Balvant, received in addition an annual allowance from Anandrao Maharaj of Rs. 7,800 for palkhi allowance, &c., and another village, Deola, Rs. 440. Deola was resumed by Khunderao Maharaj in Sanvat 1924 (A.D. 1867–68) as being a Khalsa and not an Inam village. The allowance of Rs. 7,800 was stopped in 1927–28 (A.D. 1869–70). This we mentioned to the Pandare and other Sardars. We also had an establishment of 13 sowars at Sadra. This was confiscated last July on account of reductions which, we were told, were being made. The charge was made over to the Sooba. We also told this to the Pandare Sardars, in consequence of the assurances they have conveyed to us in the mutiny year, 1858, at Kapura, that we were not to be reduced. The thirteen horses were our private property. We have since then, in the course of last October, received back our charge of horse. We have also received payment of the arrears of our allowance of Rs. 7,800 for one year, and chits for the other year have also been given to us within the last ten days, which we have not yet cashed. We have now no cause of complaint, except that Deola has not been restored to us. The charge of Umetha has never been taken from us.

The Durbar agent states that Deola was a Dumala village, which the complainant held as part of his allowances, and that, on its resumption, he was given a cash payment instead, to make up the total of his State allowances.

25. RAJARAM ANANDRAO, Jagtap of Baroda, states:—I formerly had two sowars, for whom I received Rs. 300 and a personal allowance of Rs. 934 from the Government. The sowars were taken from me by order of Khunderao Gaekwar in Sanvat 1917 (A.D. 1860), and a portion of my personal allowances of Rs. 834 was stopped by Mulharrao Maharaj; Rs. 300 of it only being offered to me for my subsistence. I refused to take this, and some five or six days ago the restoration of the original allowance of Rs. 834 was ordered. I have received "chits" for the two years' arrears that are due. I have now only to complain about the reduction of the sowar taken from me in 1860.

The Durbar remarks in this case that in September last all complainants of this class were told that their claims would be adjusted, and "chits" were prepared for their liquidation, but the parties concerned would not come to take them, as, owing to some disputes between them and their shroffs, they were unwilling to come forward for that purpose, hence the claims remained unadjusted.

26. SUDASEO BHAVANI VALAMBHE, of Baroda:—I had an establishment of 23 sowars in the Sadra Contingent, for which I received Rs. 10,000 annually from the Gaekwar's Government. This was all confiscated by the Gaekwar's orders last June. I went to the Pandare Sardars and others, and mentioned it to them, in consequence of the assurances which they had conveyed to us from the Gaekwar in 1858 that we were not to be reduced. I have since then, in October, received all my establishment and "Pagah" back from the Government. I have received pay for one year's allowances which were in arrears, and am promised "chits" for the other, so that I have now no complaint whatsoever to make against the Gaekwar. At the time that my Pagah was confiscated the bakshi told me that I was dismissed, but that, instead of my allowances as before, I should receive a subsistence allowance of Rs. 1,200.

The Durbar have no remarks to offer.

27. LAKSHMANRAO TULJAJIRAO JAGTAP:—We, three brothers of the Jagtap family, formerly kept up four sowars, for which we received from the Government Rs. 2,800. In 1913 (A.D. 1860) one sowar was reduced, and other allowances diminished by Rs. 300. Some two years ago we were informed that the remaining three men were also to be reduced, and our allowances cut down to a pension of Rs. 300 for each of us. We objected to this, and told the Pandare and other Sardars. Orders were issued five or six days ago by the Gaekwar's Government that our allowances, as they existed since 1860, were to be restored. We have not yet received the chits, but they are promised to us. We have no further complaint to make.

The Durbar have no remarks to offer.

28. GHULABRAO JAURAO JAGTAP:—States in substance what has already been recorded in Nos. 26 and 27, his case being similar to theirs; but adds that in Sanvat 1912 (A.D. 1855) the three families he represents paid a Nazarana of Rs. 10,000 to Gunpatrao Gaekwar, in order that their allowances might be continued. In spite of this, however, the late Gaekwar Khunderao ordered in 1860 similar reductions in their case to those set forth in Nos. 26 and 27. Deponent has no complaint to make now against the present Gaekwar's Government.

The Durbar have no remark to make.

29. SAKHARAM DEVRAO JAGTAP, for himself and nephew, YADHAVRAO:—Has no complaint whatever to make against the present Gaekwar. His father's allowances were Rs. 3,300, and at his death these were cut down to Rs. 1,000 for him, 500 for his nephew, Yadavrao, and Rs. 300

for his brother's widow. This was done by Guppatrao Gaekwar 17 or 18 years ago. The present Gaekwar has made no reduction whatever.

The Durbar offer no remarks.

30. SALAM BIN MAHAMAD BIN HAMID states:—I am the descendant of one of the original Arabs who came with Govindrao Gaekwar more than 100 years ago. He fought in the Porebunder campaign. On his death his son succeeded him, and was followed by my father, in whose time, and till two and a quarter years ago, our establishment was a Pagah of:—

| | Rupees. |
|---|---|
| 36 sowars and personal allowance - - | 8,085 |
| 72 foot soldiers - - - - - | 9,672 |
| Total - | 17,757 |

On my father's death, 20 years ago, my brother succeeded him. He held the charge for ten years, and was followed by myself. In 1871, Mulharrao Gaekwar took away my pagah and personal allowance, and only one year ago my charge of foot was also taken from me for no reason whatsoever, and handed over to Yeshwuntrao, a relative of Hariba, the Revenue Commissioner. Within the last ten days, however, I have had my foot charge restored to me, and what I want now is to get my "Pagah" given back. I received nothing whatsoever from the Government in compensation of the deprivation of my Pagah. My complaint is that I have been causelessly dismissed.

The Durbar admit the correctness of the statements made by complainant as to the loss of his pagah and the transfer of his charge of foot to the Darogah, but desire to consult the Gaekwar before assigning reasons.

*Further statement of the Durbar:*—Mahammad bin Hamid took charge of pagah and foot, but he and his son, this witness, getting heavily involved in debt, the whole charge was taken from him (Salam) and given by Khunderao to Limbaji, the Mahratta Commander-in-Chief, he being given a personal allowance of Rs. 100 a month. This was in Sanvat 1918 (A.D. 1861), the Pagah, &c. continuing in Salam's name. On Mulharrao's accession inquiry was made, and the charge of the foot, with allowances fixed at Rs. 10,000, given to Salam in Sanvat 1928 (A.D. 1871). The Pagah was handed over to Seikh Umar. The palki and servants' allowances were resumed by the State.

31. SHEIK UMAR BIN ABDULLA (appearing by his brother, ABDUL KADR):—I am one of the original Arabs whose father fought in Kattywar. For his work there he received the following establishment—

28 horses, pagah<br>72 foot soldiers -<br>1 palki - - } of the value of Rs. 16,000 annually.

On his death, some forty years ago, the Government made two shares of his establishment as follows:—

| Sheik Ahmad. | | Sheik Umar. | |
|---|---|---|---|
| 14 horses - | 8,300 | 14 horses, pagah - | 7,700 |
| 36 foot - - | | 36 foot - - | |
| 1 palki - - | | | |

I have had charge of my share for forty years, till about a year ago, when a Mahratta, by name Ramrao, was made darogah over my foot charge. He has, however, been removed within the last few days, and the charge restored to me. I want my accounts with him to be settled. My Pagah also was threatened, but has not been touched.

I have a field of 60 bighas with a well in it at Amreli, which was attached by Khunderao seven years ago. I have petitioned him for its restoration, but not Mulharrao, the present Gaekwar.

The Durbar have no remarks to offer.

32. GULDAJ VALAD ABDULLA SAKAR states:—In the time of Anandrao Gaekwar my grandfather received a charge of 30 foot with an allowance of Rs. 3,000, which was held by my father and myself in succession. I have served for some 20 years. In Sanvat 1917 (A.D. 1860) Khunderao, the late Gaekwar, transferred 10 of my men to the Commander-in-Chief, and reduced my Rs. 3,000 to Rs. 2,175. About a year ago, Yeshwuntrao, a Mahratta darogah, was placed in charge over me, but he was removed a few days ago, and all I want now is a settlement of my accounts with him, and the restoration of the 10 men of whom I was deprived by His Highness Khunderao.

The Durbar offer no remarks.

33. MAHADAVRAO DALPUTRAO GAEKWAR:—My grandfather came here in the time of Govindrao Gaekwar, and received from him the village of Bhaopura, value Rs. 200, and an establishment with allowances of Rs. 65,000 for sowars, &c. This continued till my father's time, but before I succeeded him—the year I cannot name—the establishment was settled as follows:—

Bhaopura, Rs. 200, and Pagah of 32 horses, Rs. 15,000.

I know no reason for reductions made. I have had this for 30 years myself. Some seven or eight years ago, when His Highness the late Khunderao took up the Dumala villages, he

resumed mine with the rest, giving me Rs. 225 annually instead. Last year His Highness Mulharrao Gaekwar reduced eight of my sowars, but they were restored to me about two months ago, and I have no complaint to make about them. All I want is to have the Inam village restored to me. I still draw the Rs. 225 granted in lieu of it.

The Durbar have no remarks to offer.

34. JOTAJIRAO MORADRAO SINDE PHAKER states:—My great grandfather received 80 years ago, from Anandrao Gaekwar, the following establishment:—

A pagah of 23 horses, &c., with an annual allowance of Rs. 8,064. This has continued down till my time. The descent is Anandrao

|
adopted
Manaji, who
|
adopted
Moradji, who
|
adopted *me.*

I have had charge of the Pagah for the last 40 years. In June last my Pagah was transferred to Sivajirao Khanvelkar, the present Gaekwar's Sooba and Dewan. He also demanded all my private horses and property, but I refused to part with them, and applied to the Pandare and other great Sardars on the strength of the guarantee given to us by His Highness the late Gaekwar in A.D. 1858. I received back charge of my establishment last month, and have got the "chits" for payment of the arrears due. The money has not yet been paid, but I hope it will be. I have no other complaint to make.

The Durbar admit the general correctness of the statement, but challenge the alleged guarantee as in other similar cases.

35. YADAVRAO TUKAJI KADAM states:—My father had the following establishment:—

Horses 25
Palkhi
Followers
} with an allowance of Rs. 32,250. He had no son of his own, and adopted me. On his death I got 25 horses, and followers, with an allowance of Rs. 11,350. This was in Sanvat 1918 (A.D. 1861), and was done by Khunderao as I was an adopted son. On the death of my mother, Sanvat 1926 (A.D. 1869), the daughter of Seiaji Gaekwar, Khunderao assumed charge of her estate, amounting to about a lakh of rupees, and it has since been under attachment till a short time ago, when Mulharrao confiscated it for the Government. She was not my real mother, only my adoptive one. I have never made any petition to get this property given to me. Last year Mulharrao reduced Rs. 1,900 from my following, as he was reducing all round. Orders have lately been issued to have this restored to me, and I have no further quarrel against the Gaekwar than that I should get back my adoptive mother's estate.

The Durbar desire to defer their remarks in this case till the 20th instant.

*Reply of the Durbar*:—On the death of his adoptive mother in Sanvat 1925 (A.D. 1868), Khunderao Gaekwar took charge of the property and person of Yadavrao, who was a minor. In Sanvat 1927 (A.D. 1870) Yadav's step-mother, Ranibai, applied for the charge of the person and property of the minor, which was given to her agent, Venkatrao, on her behalf. Next year Yadav's paternal grandmother, Babai, complained that Ranibai was wasting the estate, and, on inquiry being made, charge of the person and property of the minor was given to her, a receipt for the whole amount of the property being taken from her, though property, which it was supposed would yield Rs. 50,000 on sale, was kept back for Nazarana. On sale, however, the amount realised was only Rs. 35,000. Yadavrao is still in the charge of his grandmother, Babai.

36. ANANDRAO NARAYENRAO DAHIVAT states:—My father had the following Tahinat and allowances derived from various Gaekwars:—

| | |
|---|---|
| | Tahinat, includimg two Dumala* villages - Rs. 13,288 |
| | Killedar's allowance (and 10 horses, Government property) - - - „ 4,000 |
| * Vanadsa - - 3,000 | Pagah of 100 horses - - - „ 31,080 |
| Rowad - - - 7,175 | Personal allowance - - - „ 12,000 |
| 10,175 | Inam village, Sarsaoli - - - „ 18,000 |
| | 78,368 |

He also had a house, stables, &c., at Sarsaoli worth - - - - Rs. 2,50,000
Garden and bungalow at Baroda - - - - - - - „ 2,00,000

His wife was the daughter of Khunderao Gaekwar. He died in January Sanvat 1928 (A.D. 1871), and adopted me as his son on the day of his death. I was acknowledged by the present Gaekwar as the adoptive son, received "poshak," and went through all the official ceremonies consequent on acknowledgment. The question of Nazarana was then mooted, and after some time three lakhs of rupees was agreed upon as the amount. It was not, however, taken, and Hariba Dada, Revenue Commissioner, demanded my village of Sarsaoli as well. This I would not agree to; Mulharrao handed the case over to Balwuntrao Raholkar, and he coming to my grandmother

made her give up Sarsaoli, my garden and bungalow in Baroda, and promise three lakhs of rupees as the Nazarana. I did not agree to this, and all that I have been allowed to retain is my Pagah of one hundred horse and personal allowance of Rs. 12,000. I have been deprived of everything else. The two Dumala villages were taken up by Khunderao Gaekwar when he took up the rest of the Dumala villages in the district. I am willing to give a Nazarana such as is usually given by people in my position, but not the excessive sum which has been asked. I cannot say exactly how much I am willing to give.

The Durbar reserve their remarks on this case till the 22nd instant.

*Reply of the Durbar*:—The adoption was recognised by the Government, and at the time of sanctioning it we gave him what we chose to give.

37. BABAJI KASIRAO DHUMSI states:—My father died in Sanvat 1901 (A.D. 1844), and, having no son of his own, adopted me with the consent of Sivajirao Gaekwar. I received no "poshak," but the Bakshi and the Silledars came to my house to eat pansopari, as is customary. The establishment which I inherited from my father was six horses with an allowance of Rs. 161 monthly, and I retained this from 1844 till last March, when, being away at Sadra and serving with the contingent there, I heard that my cousin Ramchandar Appa Dhumse had given a Nazarana of Rs. 4,000 to the State, through the present Dewan Khanvelkar, with a personal Nazarana of Rs. 500 to the latter, and that my Talinat had been transferred to him. I at once came to Baroda, and was told by the Nana Sahib himself, when I went to him, that if I chose to give him a "Nazarana" of Rs. 5,000 I should get my charge back. I refused to do this, and Ramchandar still has possession of it. I told the Pandare Sardars what had happened to me. The whole of the horses were my private property. Two of the horses had died some months before, and the value of the remaining four was about Rs. 400.

The Durbar agent remarks that the transfer was made as stated, but he is not prepared to-day to reply to the allegation about the Nazarana.

*Reply of the Durbar*:—The amount of Nazarana received by the State was Rs. 2,000, and not Rs. 4,000 as alleged. The personal Nazarana of Rs. 500 to the Dewan we deny altogether.

38. BHAGVANTRAO GOPALRAO YADAV states:—Sivajirao Gaekwar on the occasion of his marriage gave my father a personal allowance of Rs. 500 annually. This was subsequently increased to Rs. 1,000 in Sanvat 1911 (A.D. 1854) by Gunpatrao, who further gave me at the same time an allowance of Rs. 1,000, and a house in Baroda to my father. Both our allowances were in Sanvat 1916 (A.D. 1859) raised by Khunderao to Rs. 1,800 in consequence of our being smart soldiers. In Sanvat 1923 (A.D. 1866) my father died, and his allowance was resumed by Khunderao. Mine continued till Khunderao's death, when Mulharrao at once stopped the allowance and took my house, on the ground that I was a favourite of Khunderao.

I have been offered Rs. 327 annually from the Government, but refuse to take it, as I consider I am entitled to my old allowances of Rs. 1,800.

The Durbar agent remarks that the Maharaj considered this man to be of bad character and stopped his allowance accordingly.

The witness produces a Sanad in support of his statment about the gift of the house. It shows that it was given to his father and heirs for ever, and is acknowledged by the Gaekwar's agents to be genuine.

39. MAHADAVRAO RAMRAO PAGEDAR states:—The first of my family was my great grandfather, who received from Damajirao Gaekwar a Pagah of 29 horses at - - Rs. 10,928

| | | |
|---|---|---|
| Personal allowance - - - - - - - - | „ | 1,020 |
| The Inam village of Varkheria, revenue about - - - - of which I gave Rs. 327 to the State. | „ | 800 |
| And a subsistence allowance paid in kind, but commuted afterwards by Bhow Scindia to - - - - - - - - - | „ | 89 |
| | Rs. | 12,837 |

These allowances, &c., remained in my house till Sanvat 1925 (A.D. 1868), when Khunderao resumed the village. I had 100 years' occupancy as my Sanad for it. He gave no compensation for it.

On Mulharrao's accession he reduced four of my horses, but has in the last eight or ten days restored them to me, and my only remaining complaint is about my village of Varkheria, and a piece of land 400 bighas in extent, over which I had the right of free grazing from as long back as I can remember, and my father often told me the same about himself, which Mulharrao last year gave over to a contractor or farmer.

The Durbar agent remarks:—The four hundred bighas formed part of a farm of the village of Taoria, which was let to the witness, but in consequence of complaints made by the ryots against his undue exactions, the contract for the whole village, including this 400 bighas, was cancelled. We cannot say how long before the lease, which is dated 1920 (A.D. 1863), the witness had the occupancy of these 400 bighas. This village was not Inam, but Dumala.

40. RAGHUNATHRAO RAMRAO JAGTAP states:—My great grandfather received from Govindrao an allowance of Rs. 2,642, which remained in our family till Sanvat 1924 (A.D. 1866), when Khunderao fixed it at Rs. 2,100. This was further reduced by Mulharrao two years ago to

Rs. 600, but within the last five or six days he has restored the allowance to Rs. 2,100. I want my allowance fixed as it was before Khunderao reduced it.

*Reply of the Durbar*:— No remarks to make.

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STATEMENT by the RESIDENT, Baroda, at the conclusion of the Sardars' case, the substance of which was orally made before the Commission on the 24th November 1873.

Baroda, 25th November 1873.

When I arrived at Baroda in March last, I found a good deal of excitement going on among the principal Sardars of the State in consequence of certain of their own body and of the Silledars having been deprived of what they considered their hereditary rights. It appears that about three months previously to my arrival they had gone up in a body to the Senaputee and the Dewan to state their grievances, which, however, were not inquired into.

2. This state of things continued until September, as already reported by me to Government, when, being apprehensive that the ill-feeling that existed might find some expression amongst the followers of the Sardars, at the approaching Dussera, I strongly advised the Minister and Rao Saheb Bapubhai to invite them to a Durbar, at which each man should be asked what he had to state, and thus the real causes of complaint would be arrived at.

Resident's Report No. 174–856, 20th September, para. 4.

3. On the 22nd September three of the Durbar waited upon me to ask my further advice, which I gave to the same effect as above.

Report No. 182–873, of 24th September 1873.

4. I was at the same time consulted by the Sardars through a Karkun of one of them, and I sent word that the menacing attitude which they had assumed was not right; that they should take their pay and leave the question of the Silledars and Sardars, Dhamdere and Radhanmia, &c., to His Highness the Maharaja, to whom I would offer advice on the subject.

5. This had the desired effect, and the Sardars then accepted the chits for their pay for two and a half years in arrears.

6. After this a dispute arose about the payment of these chits, which was not settled in many cases until the night before the assembly of the Commission, in whose presence they stated that they had then no complaint against the Government.

7. I deem it necessary to bring to the notice of the Commission that until the morning of the 10th instant, when their proceedings commenced, I had never seen more than two of the principal Sardars to converse with, and I did not know what the personal complaints of even those were. All I knew was that, as a body, the Sardars regard themselves as the military nobility of the State, and that as such their service is hereditary; that the permanent character of this service was ratified to them by the last Gaekwar at the time of the mutiny; and consequently that when they recently saw 212 effective Silledars pensioned off, and the descendants of certain principal Sardars deprived of what they considered their hereditary rights, they regarded the procedure as preparatory to their own downfall; and, therefore, they combined together to resent it. They affirm that it is not the reduction of State expenditure that, as a rule, has led to these changes, but the substitution of certain favourites of the present Minister and Maharaja for old servants of the State. I have been informed by the Maharaja himself that he contemplates the eventual reduction of the whole body; and hence the whole question is one of the highest political importance that has still to be provided for.

8. Since the Sardars gave their evidence before the Commission, and the reply of the Durbar denying that assurances were ever given by His Highness Khunderao at the time of the mutinies has become known, about 80 or 100 of the Silledars have attended at the Residency to ask permission to give evidence as to the fact that the assurances referred to were *bonâ fide* given.

(Signed) R. PHAYRE, Resident.

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## SCHEDULE II.

### CASE No. 2.

1st. PARTESINGHJI UMEDSINGHJI, Thakor of Ghanta, in Bijapur Mahal, states:—My village contains about 50 or 60 houses; has about 2,000 bighas of land, and the total revenue of it is about Rs. 2,000. The survey of the village was begun some ten years ago, but was never completed. The only Jamabandi which the Government has any right to levy from me is "ghas dana"* tribute, and this has gradually, and without cause, been increased as follows:—

* *i.e.*, a payment in lieu of forage and supplies which the Thakors were bound to furnish in former days.

| | | | | | |
|---|---|---|---|---|---|
| In $\frac{\text{Svt. } 1917}{\text{A.D. } 1860}$ | it was | Rs. | 524 | 8 | 0 |
| $\frac{1920}{1863}$ | " | " | 539 | 8 | 0 |
| $\frac{1924}{1867}$ | " | " | 564 | 8 | 0 |
| $\frac{1929}{1872}$ | " | " | 675 | 0 | 0 |

2nd. Formerly, at the time of paying our tribute, we used to receive from the Vahivatdar a pagri and sirpao and meswani allowances. These in my case amounted to Rs. 20 and Rs. 2 respectively. These allowances were stopped by order of Khunderao Maharaj in $\frac{\text{Svt. } 1924}{\text{A.D. } 1867}$.

3rd. I formerly had "giras" haks in eight villages of the Beejapoor Mahal and one of the Kadi Mahal, amounting in all to Rs. 174–8–0. By the introduction of the Inam Committee these were reduced in $\frac{\text{Svt. } 1920}{\text{A.D. } 1863}$ to Rs. 38–2–0, exclusive of my hak in the Kadi village, which has been left unsettled.

4th. I took the reduced amount of Rs. 38–2–0 for six years, and then on the Vahivatdar further reducing that amount by two annas in the rupee on account of Inam Committee tax, I refused to accept it. Though the amount to be paid to me has been settled at Rs. 38–2–0 only, the Vahivatdar still collects the former sum of Rs. 174–8–0.

5th. In one of the Government villages I enjoyed the right of getting one goat annually from each shepherd, and in another 1½ seers of cotton from each Dher, but by the orders of the Vahivatdar, and pleading their poverty, the ryots have ceased giving me these haks since $\frac{\text{Svt. } 1923}{\text{A.D. } 1866}$.

6th. I had the right of receiving the fourth of the produce of 384 bighas of land in Bijapur, and 150 bighas in Kadi, but the people are so poor that they refuse to pay me these dues. This has also lasted since $\frac{\text{Svt. } 1920}{\text{A.D. } 1863}$ in the reign of Khunderao. I petitioned him about it, but got no redress, not even an answer.

7th. I have not received my "giras" hak of Rs. 11–4–0 in the Kadi village since $\frac{1920}{1863}$, as the Inam Committee has not settled what it is to be.

8th. I have personally no grain haks.

9th. If any of us mortgage any of our land the mortgagee pays to the State a tax of two annas in the rupee, and when we take up this land again we have to pay this two annas tax. This two annas tax is an annual one.

10th. Since $\frac{\text{Svt. } 1921}{\text{A.D. } 1864}$ Thanadars have been placed in the Mahals, and we have been deprived of our jurisdiction in criminal cases. I had power to fine up to Rs. 5 and to imprison for eight days.

11th. There used to be, and there still exists, a tax of Rs. 1–4–0 upon all first marriages in our villages, which we still draw, but in addition to this the Gaekwar has introduced another tax of Rs. 5 on each "natra" or remarriage, which he takes to himself.

12th. In the year $\frac{\text{Svt. } 1919}{\text{A.D. } 1862}$ the custom of giving safe-conducts to Thakors leaving their villages for the Vahivatdar's town, or Baroda, was abolished, and in consequence of this I suffered the disgrace in $\frac{\text{Svt. } 1928}{\text{A.D. } 1871}$ of being kept in custody at Beejapoor for two days, because I refused to pay the "Accession Nazarana tax."

(N.B.—The Commissioners are of opinion that the 13th grievance, being the sum of the Thakor's complaints, should be kept to the last. Its number is therefore changed from 13 to 17.)

13th. It was in $\frac{\text{Svt. } 1921}{\text{A.D. } 1862}$ that the Government of Khunderao Gaekwar did away with the custom of summoning our ryots through us, and directed that, when sent for by the Vahivatdar, they should be called direct.

14th. Since $\frac{\text{Svt. } 1920}{\text{A.D. } 1863}$ the custom of sending Mohsals and making us pay the cost of their keep has been forced upon us.

15th. We have always claimed and held the right of ownership of the property of our ryots who died without heirs, but since $\frac{\text{Svt. } 1921}{\text{A.D. } 1864}$ the Government has taken that right to itself.

16th. Till five or six years ago there were no tolls in our districts, but they were then unjustly established by the Gaekwar. We consider ourselves in precisely the same position as our "Bhayad," the Mahikanta Thakors, and that Government has no right to levy anything whatsoever from us but the "ghas dana" tribute.

17th. The Nazarana on accession demanded from us was 25 per cent. on our "ghas dana" tribute, and 40 per cent. on the giras haks. This we, Thakors, refused to pay, as no previous Gaekwar had ever demanded such a tax, and we thought Mulharrao had no right to exact it. What happened to me is what occurred to the remaining Thakors, and the whole history is as follows:—On the Vahivatdar of Beejapoor intimating to me that we had to pay this tax, I asked him to represent our grievances to the Government, and that this tax coming on the top of them, made it impossible for us to pay. He imprisoned me and kept me without food at Beejapoor for two days, trying to get a promise from me to pay, and I was only released on agreeing to go to Baroda. I went to Baroda with the other six Thakors of Beejapoor, and presented two petitions to Nana Sahib Khanvelkar, the prime minister. We had no intention or wish at that time to make any disturbance or cause any outbreak. We were kept waiting on the Dewan for a month, and the only reply he would give us was, that when we had paid the Accession Nazarana tax he would see about inquiring into our other grievances through the Vahivatdar. We declined to pay Nazarana, and returned to our villages. Shortly afterwards, viz., in $\frac{\text{Bhadrapad } 1929}{\text{October } 1872}$, we made a petition to the Resident, Colonel Shortt, and three months afterwards, having had no answer to that, we sent him and the Maharaj a second petition, which they took no notice of. About two months after that, viz., in March 1873, my Mehta, together with Amarsinji, the Likhe Thakor, went to the Vahivatdar complaining of the mohsuls placed over us, offering to pay our usual ghas dana tribute, and declining again to pay the Accession Nazarana. The Vahivatdar refused to take our "ghas dana" unless we first paid the Nazarana, and said he would bring a force from Baroda to compel payment. Upon this I sent a petition to the Dewan requesting that the

Vahivatdar might be confronted with us at Baroda; but we got no answer to this request, or to a similar petition we sent to the Resident. In $\frac{\text{Jeth}}{\text{June}}$ we received an order from the Sir Sooba calling us to Baroda, but were afraid to go without the usual guarantee. Upon this a force was sent to Beejapoor, consisting of 100 infantry, and from 1,000 to 1,500 men were also called in from the Mahals to aid them. My village is three kos from Beejapoor, and the cultivators, hearing about the force, all ran away, leaving only from 200 to 300 kolis there. A proclamation was posted up in the village forbidding the ryots to give me my haks or dues, and so with the other Thakors. Four of the Gaekwar's men, viz., Ranchod, Harilal, Bechar, and Pannu Mia, Jemadar, called us together at Maoda, and advised us to pay the Nazarana if we did not wish to be ruined. Several of the Banias of Beejapoor went away in fear of their lives and property. Of my ryots who fled only one third have since come back, and I have suffered personally a loss of Rs. 2,000 to 3,000, as they left just when the land was being prepared for cultivation. Matters being in the state above described, we, Thakors, sent a petition to the Resident at Baroda in June, as well as to the Dewan, to the effect that "the Government had sent a force "against us, and wished to destroy us, that there would be a disturbance and outbreak if the "Sarkar would not do us justice, and that we should be blamed for having caused this dis-"turbance." We also sent our Karkun Nandlal to state our case to the Resident, and about one month afterwards, July, on the invitation of the Resident, we came to Baroda. The force was withdrawn about the Dussera by the orders of the Government. We have been in constant attendance on the Gaekwar since we came to Baroda, but all his answer to our complaints is a demand for the Nazarana. We have been to Hariba Dada, Gaekwar, to the Sir Fouzdar, to the High Court, and from all of them we receive the same reply,—pay the Nazarana and the Inam Commission tax, and we will then see about your grievances.

2. HARISINGH DHIRAJI (on behalf of minor, aged 6), Thakor of Gassaeta, states:—The extent of my village is about 3,000 bighas, revenue Rs. 6,000, 500 houses, and a population of some 1,500. In $\frac{\text{Svt. 1919}}{\text{A.D. 1862}}$ the amount of my ghas dana tribute was about Rs. 1,000, but it has been gradually increased, for no other reason than that it was the Sarkar's will, to Rs. 1,500, or thereabouts.

2nd. My Sirpao allowance of Rs. 32, and Meshvani of Rs. 4, have been stopped since $\frac{\text{Svt. 1924}}{\text{A.D. 1867}}$.

3rd. My "giras" haks formerly extended over 10 or 12 villages, eight or nine being in Bijapur, three in Kadi. In $\frac{\text{Svt. 1923}}{\text{A.D. 1866}}$ they were cut down from Rs. 433–8–0 to Rs. 194–12–0, exclusive of my three Kadi villages, the amount of haks in which is still unsettled. I accepted the reduced rate till $\frac{\text{Svt. 1927}}{\text{A.D. 1870}}$, when the Vahivatdar took a receipt for two years' payment from me, but only gave me the allowance for one year, saying that the Inam Committee tax at two annas in the rupee for the previous seven or eight years had swallowed up one year's revenue. I therefore refused to take anything, and have received nothing since.

4th. The Government collects the full amount of our giras haks, but we only get the reduced sum, and the arrears which we had left uncollected at the time of the settlement we have not yet received.

5th. In one or two villages I was entitled to two donkey loads of pottery from each potter, three seers of cotton from each Dher, and the framework of a grinding mill from each Sutar at the Divali, but these haks were all stopped in $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$.

6th. In four villages I had the right of receiving the fourth of the produce, but this right too the Government has stopped since $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$. At the time of the survey the measurer entered 15 bighas of land at Ranasan and 15 at Vigar as Sarkari, which was really my land. The ryots falsely said the land was Sarkari instead of mine.

7th. My giras haks in Kadi Purgunna, amounting to Rs. 112–8–0, have remained unsettled for the last ten years.

8th. In $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$ my grain haks amounted to 120 maunds, when the Gaekwar's agent commuted my allowance to cash Rs. 30. In $\frac{\text{Svt. 1928}}{\text{A.D. 1871}}$ the agent further wished to reduce this by cutting two annas in the rupee, and since then I have refused to take the allowance.

9th. There is a tax of two annas (Inam Commission tax) in the rupee upon our Wanta or Inam land, which the Government takes from the actual holder.

10th. Till $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$ I had authority to fine up to Rs. 200 and to inflict short terms of imprisonment, but by the Government Thanadars being employed instead of me, I lost my authority.

11th. The marriage tax grievance is the same mentioned by No. 1.

12th. The deprival of safe-conduct grievance is the same as already told, and caused the imprisonment, two years ago, at Beejapoor, of the father of the minor Thakor.

13th. The ryots have been summoned direct since $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$, and my authority over them has thus been greatly weakened.

14th. Mohsuls are imposed on us as represented by No. 1.

15th. The Government takes the property of persons dying without heirs in our villages instead of allowing us to do so. No one has died without heirs in my village since $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$.

16th. The only tolls in my villages are those established by myself.

17th. The story of the "Gadi Nazarana" tax as told by No. 1, the history of our refusal to pay it, and the consequence of the said refusal, have been told by No. 1 in my hearing. His statement is correct, and applies completely to the father of the minor Thakor.

3. JETHUJI VIRSINGH, of Ransipur, appearing by his guardian, Amarsingh, Thakor, of Likhe:—My village comprises about—

| Bighas. | Reveune. | Houses. | Population. |
|---|---|---|---|
| 3,000 | Rs. 2,000 | 200 | 700 |

and my "ghas dana" tribute has been arbitrarily raised from Rs. 292 in $\frac{\text{Svt. 1910}}{\text{A.D. 1853}}$ to Rs. 379 in $\frac{\text{Svt. 1928}}{\text{A.D. 1871}}$, at which rate it is now levied.

2nd. My Sirpao of Rs. 15 and Meshvani of Rs. 2 has been stopped, for no reason whatsoever, since $\frac{\text{Svt. 1924}}{\text{A.D. 1867}}$.

3rd. I have giras haks in one village in Beejapoor amounting to Rs. 10, which have not been interfered with at all, except that I have not received payment since $\frac{\text{Svt. 1928}}{\text{A.D. 1871}}$, in which year I refused to take my allowances, as Government cut me two annas in the rupee for eight years, and thereby deprived me of one year's income.

4th. I have no other arrears except in the Kadi Purgunna (which see para. 7).

5th. I am not able to get payment of certain haks of mine in five villages of the Bijapur taluka, as the people say they have been so overburdened with Salami and Inam Committee tax, that they are quite unable to pay me my rights.

6th. Does not apply to me.

7th. I have giras haks in two villages of Kadi amounting to Rs. 4, which I have not received since $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$, as they have not been settled.

8th. Till $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$ I had the right of getting 31 maunds of Bajri from Koth, but in that year the grain payment was commuted to a cash one of Rs. 15. I took this for six years, and then, in $\frac{\text{Svt. 1927}}{\text{A.D. 1869-70}}$, I refused it as Government cut me a whole year's income on account of Inam Committee tax.

9th. The tax of two annas in the rupee on Wanta lands is the same as related previously.

10th. In $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$, on the institution of Thanadars, my jurisdiction of fining up to Rs. 25 and giving six months' imprisonment was abolished.

11th. The "marriage tax" grievance is the same as told by the previous Thakors.

12th. The "stopping of the safe-conduct" complaint is the same as told by No. 1. The minor's father was imprisoned at Beejapoor with the other Thakors in $\frac{\text{Svt. 1928}}{\text{A.D. 1871}}$.

13th and 14th. These two grievances are narrated in No. 1's statement, and are the same complained of by me.

15th. One man has died without near heirs. He had cousins in my village since $\frac{1921}{1864}$, and the Gaekwar took possession of his property instead of allowing me to keep it, according to old custom.

16th. The only toll in my village is my own one upon grain.

17th. The story of the Gadi Nazarana tax, the refusal to pay it, and subsequent conduct of the Thakors and the Gaekwar's ministers is related clearly and in detail. It corresponds exactly with what has been set down in the narrative of No. 1.

4. HARISINGH JETHUJI, of Kuvadia, states:—My village comprises about—

| Bighas. | Revenue. | Houses. | Population. |
|---|---|---|---|
| 1,200 | Rs. 1,500 | 70 | 250 |

My ghas dana tribute has been raised from Rs. 246 in $\frac{\text{Svt. 1913}}{\text{A.D. 1856}}$ to Rs. 412 in $\frac{\text{Svt. 1926}}{\text{A.D. 1869}}$, at which rate it has since remained fixed. There has been no cause assigned for increasing it.

2nd. My Sirpao of Rs. 10, and Meshvani, food for five men for one day, have been stopped since $\frac{\text{Svt. 1924}}{\text{A.D. 1867}}$.

3rd. I have giras haks in eight Beejapoor villages and one in Kadi Purgunna. They were settled in $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$ by reducing them from Rs. 27 to Rs. 14–2–0, exclusive of the Kadi one, which remained unsettled. I took the reduced amount up to two years ago, when I refused to receive it on the same grounds as those alleged by the other Thakors.

4th. I have arrears of Rs. 762 uncollected in the Beejapoor Purgunna, due from before $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$, which I cannot collect, and which the Government will not help me to collect.

5th. I had giras Wanta land in eight Beejapoor villages and one Kadi village, the rent of which was received by me direct from the ryots till the last six or seven years, when they refused to pay me, declaring that Government, by imposing excessive Salami and Inam Committee tax, prevented them from being able to do so.

6th. This does not apply to me.

7th. My giras haks in Kadi, at the rate of Rs. 11–4–0 for the last 10 years, are still unpaid, owing to their never having been settled.

8th. I have grain haks of $1\frac{1}{4}$ maunds of grain for every plough, and 50 bundles of grass from each of 200 fields in the Durbar village of Ladala, which the Government has forbidden the ryots to pay to me for the last six or seven years.

9th. The mortgage tax of 2 annas (see statement of No. 1).

10th. I have lost my authority to fine up to Rs. 100 and imprison for three months since Government Thanadars were instituted in $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$.

11th.
12th. } The complaints made by me in these four matters are identical with those of the other
13th. } Thakors, and have been already fully stated.
14th.

15th. No case of a man dying without heirs has happened lately in my village, and I cannot therefore say what the Government would do in the event of such a thing happening.

16th. Government has established its own grain toll in my village, and deprived me of mine.

17th. The "Gadi Nazarana" story I have heard told before the Commission. I have nothing to add to what I have heard. My case is the same as that of the other Thakors.

5. HIMATSINGHJI BHAVANSINGHJI, of Lakroda, states :—My village comprises about—

| Bighas. | Revenue. | Houses. | Population. |
|---|---|---|---|
| 2,500 | Rs. 2,000 | 300 | 1,000 |

and my ghas dana has been raised without cause from Rs. 880 in $\frac{\text{Svt. 1910}}{\text{A.D. 1853}}$ to Rs. 952 in $\frac{\text{Svt. 1923}}{\text{A.D. 1866}}$, at which rate it has since remained.

2nd. My Sirpao of Rs. 33–12–0 and Meshvani of Rs. 2–4–0 has been stopped since $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$.

3rd. My giras haks have been lessened by 8 annas.

4th. The only arrears due to me from Government are Rs. 239 for $\frac{\text{Svt. 1928-29}}{\text{A.D. 1871-72}}$, which I have refused to take, as Government cut me the total of one year's income for arrears of Inam Committee tax in $\frac{\text{Svt. 1927}}{\text{A.D. 1870}}$.

5th. My haks over Durbar villages have not yet been interfered with.

6th. This does not apply to me.

7th. My arrears due from Kadi amount to Rs. 4 annually since $\frac{\text{Svt. 1919}}{\text{A.D. 1862}}$.

8th. This does not apply to me.

9th. I know nothing about this.

10th. My jurisdiction of fining up to Rs. 100 and giving two months' imprisonment has been done away with since the institution of Thanadars in $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$.

11th. Marriage tax, the same story as told by the other Thakors.

12th. } The statements made by the other Thakors on these subjects correspond exactly with
13th. } what I have to say upon them.
14th.

15th. No one has died without heirs in my village since $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$, but I understand that Government would take the property of such a person instead of letting us have it as before.

16th. The only toll in my village is my own one upon grain.

17th. I was present when the story of the "Gadi Nazarana" tax was told by the other. It is true, and I have nothing to add to it.

6. HIMAJI KASHIAJI RAHTOR, of Mahadi, states :—My village comprises about—

| Bighas. | Revenue. | Houses. | Population. |
|---|---|---|---|
| 3,000 | Rs. 1,500 | 300 | 1,200 |

My ghas dana tribute has been raised from Rs. 503 in $\frac{\text{Svt. 1917}}{\text{A.D. 1860}}$ to Rs. 751 in $\frac{\text{Svt. 1927}}{\text{A.D. 1870}}$, at which rate it has since remained.

2nd. My Sirpao of Rs. 20 and Meshvani Rs. 4 have been stopped since $\frac{\text{Svt. 1924}}{\text{A.D. 1867}}$.

3rd. I had giras haks in eight Beejapoor villages amounting to Rs. 452, which were reduced in $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$ to Rs. 290, which I accepted till $\frac{1927}{1870}$, when I refused to take them on the same grounds as the other Thakors.

4th. I have also Rs. 141 due from two Kadi villages, which have not been settled since $\frac{1920}{1863}$.

5th and 6th. Do not apply.

7th. My giras haks in Kadi Purgunna, amounting to Rs. 141 annually, are in arrears from $\frac{\text{Svt. 1919}}{\text{A.D. 1862}}$.

8th. I had grain haks of 603 maunds on one village and 60 maunds on another, which were in $\frac{\text{Svt. 1921}}{\text{A.D. 1864}}$ commuted at the rate of Rs. 1 for three maunds to Rs. 221, which amount I received up to $\frac{\text{Svt. 1927}}{\text{A.D. 1870}}$, when I refused to take it on account of one year's income having been taken by the Inam Commission.

9th, 10th, and 11th. Do not apply.

12th. The story of the safe-conduct, as told by other Thakors, applies to me.

13th to 16th. Do not apply.

17th. The Nazarana tax story is the same as told by the other Thakors.

7. KUBERJI DHANAJI, of Anodio, states :—My village comprises about—

| Bighas. | Revenue. | Houses. | Population. |
|---|---|---|---|
| 1,800 | Rs. 1,500 to 2,000 | 225 | 700 |

My ghas dana has been raised from Rs. 292 in $\frac{\text{Svt. 1919}}{\text{A.D. 1862}}$ to Rs. 361 in $\frac{\text{Svt. 1928}}{\text{A.D. 1872}}$, at which rate it now is.

2nd. My Sirpao of Rs. 5 and Meshvani of Rs. 4 have been stopped since $\frac{\text{Svt. 1924}}{\text{A.D. 1867}}$.

3rd. I have giras haks in one village in Beejapoor, which were in $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$ reduced from Rs. 22–8–0 to Rs. 18–8–0. I have also one village in Wadi, the amount of my hak in which has not yet been settled.

4th. See statements made by Nos 1, 2, 3.

5th. I have no haks on Government lands.

6th. This does not apply to me.

7th. My giras haks in Wadi, at the rate of Rs. 8, are in arrears for 10 years.

8th. I had a grain hak of 30 maunds in a village in the Dehgam Purgunna, which was commuted to Rs. 10 annually in $\frac{\text{Svt. 1924}}{\text{A.D. 1867}}$, but I have not drawn it for two years, for the same reasons as those assigned by the other Thakors.

9th, 10th, and 11th. Do not apply.

12th. The safe-conduct story as told by the other Thakors is the same as mine.

13th to 16th. Do not apply to me.

17th. The Gadi Nazarana story, as told by Partesinghji, is true, and relates my experience of what happened.

## General Reply of the Durbar.

1st. We do not consider that the term "ghas dana" is correct. What is levied from the Thakors is their annual Jamabandi settlement, fluctuating from year to year, whereas ghas dana is a fixed payment. Some of the Thakors pay both ghas dana and Jamabandi, and their payments on each account are shown in separate columns. It is the ordinary practice to make an annual settlement of the amount to be paid by the village, for which the thakors sign a special agreement. The increases complained of have been made with a due regard to the State requirements and the rights of the Thakors. The 15 other Thakors in this district have all paid their increased Jamabandi without any trouble. Besides this, we, in last August, offered these very thakors to take the average of their Jamabandi for 10 preceding years, and let that be regarded as a fixed sum to be paid by them for the next 10 years.

2nd. We intend not only to clear off the arrears of Sirpao and Meshvani allowances, but also to continue them in full for the future.

3rd. The ryots complained about these Thakors levying giras haks direct, and, on inquiries being instituted, it appeared proper to Government to undertake the duty of collection and payment of the proper amount due to these Thakors. They say what they get now is less than what they used to levy direct, but what we pay them is the amount of what they were able to prove at the time of inquiry was really due to them from the ryots. They used to collect the giras hak from the Patels, who paid them out of the sum set apart for "Gamkharch." We do not collect any excess of what we pay them as giras with the view of taking the balance for Government.

4th. We have never heard of any arrears being due for years previous to $\frac{\text{Svt. 1920}}{\text{A.D. 1863}}$, and if any Thakor can prove to us that he has arrears due to him, he will have help to get them paid.

5th. If the Thakors apply to the proper authority they will get what help they require. We have not stopped any of their haks.

6th. The injured man should make his complaint to the Durbar, when his case will be inquired into, and if it is found that his private land has been wrongly entered as Government land he will get redress.

7th. Inquiry is not completed into the Kadi Purgunna giras haks; when it is, the Thakors will get their dues.

8th. We are willing to take five years named by the Thakors, and five by us, and strike an average as to the amount to be paid.

9th. The land tax of 2 annas in the rupee charged by the Inam Commission is quite irrespective of mortgage, and is charged to the occupant thereof for the time being.

10th. Khunderao Maharajah gave the Thakors jurisdiction to fine up to Rs. 5 and to imprison for eight days, but finding the powers abused he withdrew them again.

11th. The "Natra," or re-marriage tax was a new invention of Khunderao's, which the Thakors had no right to claim any benefit from. It in no way interfered with their original marriage tax.

12th. We considered the practice objectionable, and therefore abolished it. The Thakors were confined at Bijapur in consequence of their disobedience of Durbar orders, and not in consequence of the abolition of safe-conducts.

13th. It never was usual to call the ryots through the Thakors, but if the latter will undertake to produce the ryots as soon as we call for them, we have no objection to let them have this authority.

14th. The practice complained of as to Mohsuls is the usual one throughout the State.

15th. We are entitled to the whole of such property, but we have no objection to the Thakors getting the property of such of their cultivators as die without heirs.

16th. If there are any new tolls established since the beginning of the present reign we shall abolish them.

17th. The "Gadi Nazarana" is, we admit, a new tax, but before it was levied the Maharajah, in the beginning of 1872, spoke to the late Resident, Colonel Barr, about it, and he made no objection to its imposition. He said the Maharajah might do as seemed good to him. Similar new taxes were imposed by Khunderao Gaekwar; for instance, the "Golden Howdah Nazarana" of 2 per cent., the "Makarpura Haveli Nazarana" of 10 per cent.

The Gadi nuzarana is a general tax for the whole State, and has been paid by everyone in it, with the exception of these seven Thakors. Even the 15 other Thakors of the same standing in the Beejapoor Mahal have paid it without objection. Before sending the force all ordinary means of inducing these Thakors to pay, by letters, messengers, &c., were exhausted. They defied the Government, and said they would not pay the tax unless forced to do so by an army. Troops were therefore sent as a last resource, with the concurrence of the Resident, at the request of the Minister. While the troops were in Beejapoor, efforts were being constantly made by us to induce these Thakors to satisfy the Durbar demands by sending messengers to treat with them at their villages, and subsequently, by the advice of the Resident, they were brought to Baroda under promise of safe-conduct.

## Final Statement by the Resident.

The case of the Beejapoor Thakors, so far as it came under the knowledge of the Resident, was brought to the notice of Government in the following reports:—

No. $\frac{103}{552}$ of 25th June 1873, and accompanying yad to His Highness the Gaekwar.

Also No. $\frac{107}{575}$, 28th June 1873, paragraph 2.

Also No. $\frac{130}{599}$, 4th July 1873.

2. The most important of the statements made before the Commission by the Thakors were:—

1st. That the amount of tribute payable by them had been increased gradually some 25 or 30 per cent. during the last 12 years, and that, in addition to this, the present Maharajah had taxed the increased amount with Rs. 25 per cent. on account of Gadi Nazarana or accession tax.

2nd. That their giras haks, &c., as described in paragraphs 3 to 8 of the evidence, had in every instance been either considerably reduced or had ceased altogether; and that when any remained, an Inam Committee tax of 2 annas had been imposed on the reduced amount, which nearly swallowed up the balance. Moreover, that notwithstanding all this, in addition to the fact that their haks were in arrears for periods varying from 10 to 5 years, the present Maharajah had demanded of them a ready cash payment of 40 per cent. upon the said outstanding balance, all of which they considered so unjust that they declined to pay the Nazarana, and consequently got into trouble about it.

3rd. That they were put to the expense of mohsuls to make them pay these extortionate demands.

4th. That tolls were established in their districts contrary to their rights; that they consider themselves in precisely the same position as their "Bhayad" the Mahi-Kanta Thakors.

3. The Durbar answers these specific charges in a general way, without throwing any light whatever upon the actual circumstances, which we know from experience cannot be ascertained excepting by detailed inquiry of the closest kind, such as our giras officers are employed to carry out.

4. It was precisely this kind of policy, however, on the part of the Gaekwar Government towards their tributaries, which originally led to the transfer of the whole of them from the Gaekwar control to that of the British Government, because the latter found that their own territories suffered from the system; in fact, that the whole country was kept in a constant state of ferment by it, just as part of the Beejapoor District has been in the instance under report. An exact description of the policy will be found at page 249 of Colonel Wallace's Book on Baroda, in the following extract of a letter from Government to Mr. Willoughby:—"It is the "invariable policy of Maratha States to impose a tribute on their weak neighbours, and to "increase it until they swallow up the whole territory from which it is drawn."

5. Were the case of these Thakors an isolated one, the mode of settling it would not, under ordinary circumstances, affect British interests in any way. The Resident, however, would respectfully submit that we have at the present moment a large number of Rewa Kanta guaranteed Girasias, and others also who hold Wanta lands and giras haks in Gaekwar territory, whose interests would be affected one way or the other by the orders issued in the present case; and as the question has already been referred to Government in the last year's Rewa Kanta Administration Report, the following extract from that report is made for the purpose of reference.

6. After alluding to the "unrestrained oppression and tyranny practised towards Rewa "Kanta subjects by the Baroda local officials," paragraph 277 of the report runs as follows:—

"The Durbar never lose an opportunity of snubbing one of the more powerful Rewa Kanta chiefs, or of oppressing and encroaching on the rights of the weaker ones; and in this term all girasias and Bhayads of Thakors are included, nor, as far as the records show, have any attempts been made to check the Gaekwar and his advisers in this course of policy.

"Paragraph 289. The Gaekwar's Inam Commission is a constant source of irritation and annoyance to all Girasias and Wanta holders, who have the misfortune to own lands or Wantas

in His Highness' territory, and, as if this was not enough, a most iniquitous practice prevails of measuring the lands admitted to be the property of girasias by a shorter measure than the one formerly in use in that Purgunna.

" 290. Thus supposing a girasia is allowed by the Gaekwar authorities to be the possessor of, say, 26 kumbhas of land, calculated according to a measure 13 cubits in length, which has been used from time immemorial in that district, the Durbar officials at once measured off the land with the measure only 12 cubits long, assigned the much reduced parcel of land to the wretched Girasia as his batch of 26 kumbhas, and appropriated the excess, called Vadhare, to the State.

" 291. This reduction of a single cubit in 26 kumbhas of land represents a loss to the Girasia of 65,000 square cubits. A kumbha at the former rate of 13 cubits equals 16,900 square cubits, while at the latter rate only 14,400 square cubits.

" 292. In certain villages the old standard measure was 16 cubits long, but this too has been reduced to one of 12 cubits in length, so that from the above figures Government can easily imagine how the Girasias are fleeced right and left; for there are no other words to express what goes on under that department of the Gaekwar's Government."

7. The Resident would, in conclusion, submit, for the consideration of the Commission, that the quotations above submitted give a fair description of the system now in vogue, for the reform of which he and the political agent of the Rewa Kanta trust they may receive full support in disposing of the giras cases under reference.

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## Cases Nos. 3, and 11 to 31.

1. Hathibhai Kishorbhai, Kanbi, Matadar of Bhadran, in Pitlad Purgunna, states:— There are 14 Matadars in my village. In $\frac{\text{Svt. 1928}}{\text{A.D. 1871}}$, $\frac{\text{Ashad}}{\text{July}}$, three sowars and five sepoys came to Bhadran to levy the Gadi Nazarana and the Government instalment of revenue. There was an old woman, widow of one Jivabhai Jeshing, who had three grown-up sons, who, for fear of the sepoys, ran away. The sepoys took this old woman from her house, and kept her for three or four hours at the temple of Bhadra-Kali. Before they took her, I saw them beating her at her house; two sepoys held her by the arms, while the third struck her with a stick. Her age was 50 or 52. They did this to make her pay up the instalments and Nazarana. The old woman was released and allowed to go home after four hours' confinement. She died on the third day, I consider from the beating she got from the sepoys, who kicked her before they brought her out. The stick with which she was beaten was a bamboo as long as my arm. She did not pay the money. Only one of her sons has hitherto returned. I do not know where the other two are now. All the inquiry that has been made into the case is that, on the complaint of her brother, the Patel and Mehta made a report to Pitlad. A Karkun came thence, took some depositions, apprehended the sepoys, took them to Pitlad, where they were imprisoned for two months by the Pitlad Vahivatdar, when they were released on bail. In May last, a Karkun, by name Daji Shridhar, came from Pitlad to levy the balance of the Gadi Nazarana and the revenue instalment. He took 10 or 15 men, of whom I was one, and, placing us in a row, had a wooden beam put across our necks, and made us stand like this for half an hour. Those who then paid were then released. I paid myself and got free, but those who did not were kept in this fashion. Others also were made to stand with hands touching their toes; others holding their ears all twisted, and in a stooping posture. The Karkun remained there for two days, and realised about half the Gadi Nazarana. About one half is still unpaid. I made no petition about this at that time to the Vahivatdar. What was the good? The money was paid. Should I have gained anything by petitioning? The only petition I have made is that which I have made to the Resident. The oppression practised on us was by order of the Pitlad Vahivatdar. If the Sarkar cannot get its revenue, it has been customary always to practise the above mode of realising it.

The Durbar reserve cross-examination.

2. Javerbhai Dwarkadas, Patidar Patel of Sojitra, in Pitlad Purgunna, states:— I remember coming to Baroda in $\frac{\text{Svt. 1928}}{\text{A.D. 1871}}$ on private business. I there found people from other villages in Pitlad. The assessment had been raised, and they refused to pay the increased amount. In consequence of their refusal one Bhavanidas, of Bamangam, a respectable man, worth some Rs. 50,000, was seized, handcuffed, and made to sweep in the public roads for two days. On his agreeing to pay the assessment demanded he was released. In consequence of what happened to him, other villagers also agreed to pay what was demanded of them. In $\frac{\text{Svt. 1922}}{\text{A.D. 1865}}$, in consequence of the refusal of the Bhats and Brahmans to pay the Inam Committee tax, a force of 50 sowars, one regiment, and five guns were sent to Sojitra. They stayed there for six days, and one night they seized some 100 or 150 people. I saw three men wounded lying on cots, and some 15 or 16 others with cuts and wounds. They took them to their tents, and thence to Pitlad, where they handed them over to the Vahivatdar. Three men died in Baroda, and three or four afterwards on their return died from their wounds. In $\frac{1925}{1868}$ the assessment was increased 2 annas in the rupee over the whole Purgunna, and some 500 people came to Baroda to protest against the increase. One Chagabhai, Patel of Chango, was seized in Baroda, fixed in a wooden framework, with a beam over his neck, and his person " spread-eagled." He was then struck twice on the breech, and at once agreed to give anything which was demanded from him. I saw this myself, and also agreed to give the increased demand. It is a common practice in levying arrears to make defaulters stand stooping in the sun, touching their toes, in

water, with weights on their necks, and so on. I have often seen these practices in my own village. Some 25 Kanbis have left my village in the last two years, in consequence of inability to pay their assessment.

I have never given anyone a bribe, nor have I had occasion to offer one. No one has ever asked one from me.

The Durbar agents defer cross-examination.

3. JAVERBHAI JESABHAI, 58 years, Mattadar of Sojitra, in Pitlad, states:—In $\frac{\text{Svt. } 1922}{\text{A.D. } 1865}$ the Government sent a force of five guns, 50 sowars, and one regiment of infantry to levy the Inam Commission tax in Sojitra. They first called on the Bhats and Brahmans to pay up, but as they refused to do so, the force was quartered on us for five or six days; at the end of which time they made a night attack on the Bhat and Brahman quarter, captured about 150 persons, and took them to Pitlad. I saw three men wounded lying on cots, and some 12 or 14 others with cuts and wounds. The captives were imprisoned at Pitlad for periods from one to three months, and were only released on giving security to pay the tax. Five died in jail, but none after they returned home. In consequence of their alarm at these proceedings the rest of the people paid the tax without opposition.

Two years after, in consequence of a fresh tax, the "Ranvel vero," being levied, some 20 or 25 Kanbis fled from the village; some were made to stand stooping in the sun, and in similar ways made to pay. I paid myself through fear.

In 1925 I saw Chagabhai, Patel of Changa, placed in a wooden frame at the Fouzdari, but I do not know what was done to him, as I went away at once on getting permission to depart.

I have never given anyone a bribe, nor has anyone even asked for one from me.

The Durbar reserve cross-examination.

4. DORIBHAI DESABHAI, Kanbi, 35 years, of Wasna, states:—In $\frac{1928}{1871}$ a sowar came to Wasna to levy the Gadi nuzarana, and having made me prisoner, he kept me in custody near himself for a whole day, at the end of which I paid the tax. There was also a Koli by name Keslo, whom the sowar saddled and put a bridle on, and then mounted, and the rest of the village, being filled with fear at what had been done to him, paid the Nazarana at once. The sowar was alone. No receipt was given to us for our payments. I paid for the koli on his engaging to work for me. Ten Kolis have left the village from inability to pay their rent.

The Durbar agents defer cross-examination.

5. GIRDHAR JESINGH, cultivator of Sadaina, in Pitlad Purgunna, states:—Last Jeth (May–June) a Karkun, by name Daji Shridhar, came from the Pitlad Mahal, and demanded the Gadi Nazarana from us. We told him we could not pay, whereupon he made some 50 of us, of whom I was one, stand on hot bricks in the sun touching our toes, and made his sepoys mount upon our backs for 20 minutes at a time. Before making his demand he had us all assembled in the chouri, and told us what he had come for. The sepoys further went to our houses, turned the women and children out, and attached the buildings. From fear of what they were doing to us, we agreed to pay the Nazarana, and gave the Karkun Rs. 7 for himself as an inducement for him to go on to the next village, and to remove the attachment. Owing to this treatment of us, Patidars, some 20 Paggis left the village for Viral in the Borsad Taluka of Kaira. They have since returned. We have paid the Gadi Nazarana. We did make a petition to the Maharajah about this oppression, but we were simply told to pay the tax and go home. The Karkun to whom we wanted to give the petition refused to take it, and told us to be off. I do not know the Karkun's name.

*In answer to Durbar Agents*:—How could I petition the Maharajah himself? Who would let a poor man like me into the Durbar? I do not know that there is a proclamation from the Gaekwar enjoining ryots to make complaints against any oppression exercised upon them by the vahivatdars.

6. DESAIBHAI BECHARBHI, Mattadar of Pallana, in Pitlad, states:—I was imprisoned and fettered in Petlad for six days in the year $\frac{\text{Svt. } 1928}{\text{A.D. } 1871}$, because I refused to pay the Gadi Nazarana. My cousin Babaji was imprisoned for 14 days on the same account. On payment of 12 per cent. of the tax my fetters were removed, and I was released. I came to Baroda, and complained in Baroda to the Fouzdari Karkun Harilal, who told me the tax would be levied by instalments. I have not as yet paid the 40 per cent. demanded from holders of barkhali land. Last June, on account of the levy of this tax, some 40 people left the village. I have induced, with difficulty, about half of them to return. I have made no petition to the Maharajah on this subject. Who would listen to me in the Durbar?

*Cross-examined by Durbar Agents*:—I have no copy of my petition to Harilal. The contents of it were that I had been oppressed and ill-treated, and was unable to pay the tax. I made no petition to the Sir Sooba.

7. DHARI GOVINDJI, Mattadar, 70 years, of Ardhi, in Pitlad Purgunna, states:—In the month of Jeth (June) last one Natha Bhagwandas came from Pitlad to levy the Gadi Nazarana. I said I could not pay, and, in company with three other Mattadars, I went to Pitlad to remonstrate against the tax. By order of the Vahivatdar, Mathurbhai, we were placed in a privy, and kept there till next day, when, on giving a written promise to pay Rs. 300, we were released. I, in company with other villagers, went to the Durbar at Baroda to complain of the

ill-treatment and oppression, but we were not listened to. I made no separate petition about my own wrongs.

*In answer to Durbar Agents*:—Our joint petition was presented at the palace some 15 or 20 days after we were released, and was a protest against the increase of taxation, not about my personal sufferings.

8. CHAGABHAI KISHORDAS, Patel of Changa, in Petlad Purgunna, states:—In $\frac{1924}{1867\text{-}8}$, when Bhow Scindia was placed on the Gadi as prime minister, a Nazarana of Rs. 50,000 was levied from the Purgunna, and in the following year the assessment was increased by 2 annas in the rupee. On this occasion I came with some 500 others to Baroda, and made a petition to the Maharajah Khunderao at Makarpura, where I spoke about the people of the Petlad Purgunna, and was told to come to the palace at Baroda next day. On this occasion, when I represented that we were unable to pay the extra 2 annas, Bhow Scindia ordered the police to take me away. They took me to the Fouzdari, where I was placed in a wooden frame with my head fastened down, and legs and arms tied as I lay stretched out. I was then struck twice on the breech, and from fear and pain I agreed to pay, and to make others pay. The Maharajah Malharrao has imposed new taxes, but he has not exercised zulum in levying them from me.

*In answer to Durbar Agents*:—I do not know whether the Rs. 50,000 was taken by Bhow Scindia himself or paid into the Government treasury.

9. MATHURBHAI DAJIBHAI, Mattadar of Ganda, in Pitlad Purgunna, states:—In $\frac{\text{Svt. } 1921}{\text{A.D. } 1864}$ the people of the Pitlad Purgunna were summoned to agree to a 10 years' settlement of the land revenue. The rates were excessive, and we refused to pay them; whereupon one of the chief men of Brahmangam was ill-treated and ordered to sweep the public roads. Being terrified at this, we agreed to the increased assessment.

In $\frac{\text{Svt. } 1922}{\text{A.D. } 1865}$ I was in Sojitra when the force of artillery, cavalry, &c. came there to levy the Inam Committee tax. The Bhats and Brahmans were attacked and captured, and some 150 of them taken to Pitlad. There were 15 or 20 wounded amongst them. The reason of my being in Sojitra was that the Sarkar had called me thither. Five sowars and five peons came to my village to levy the tax from the Kolis on account of their Salami. They beat some, tied some up to trees, and in other ways so ill-treated them, that on that very night some 200 Kolis fled into the Kaira district, where they have remained ever since.

In $\frac{\text{Svt. } 1924}{\text{A.D. } 1867\text{-}8}$, on Bhow Scindia being made Dewan, the Vahivatdar informed us that our share of the Nazarana of Rs. 50,000 to be levied was Rs. 400, and on our refusing to pay it, as being contrary to our 10 years' settlement, the Vahivatdar imprisoned me and seven other Mattadars for 15 days at Pitlad, and compelled one of us, Jethabhai by name, to do hard labour. We paid him Rs. 400 for the Nazarana and Rs. 800 for himself before we were released.

In $\frac{1925}{1868\text{-}9}$, I was present when Chagabhai of Changa was placed in the wooden frame at Baroda and beaten, and from fear of a similar process as regarded ourselves, we agreed to pay the 2 annas increased assessment which was demanded from us.

In $\frac{1928}{1871\text{-}2}$ two sowars and five peons came to realise the Gadi Nazarana from our village, and took 50 men thence to Bhagol, where they made them stand in the sun touching their toes, and placed pieces of wood on their backs. In consequence of this treatment the people paid the tax, and some 15 cultivators deserted the village.

*Cross-examined by Durbar Agents*:—Complaints were not made in $\frac{1921}{1864}$, $\frac{22}{65}$, $\frac{24}{67}$, and $\frac{25}{68}$ to the Resident about the matters set forth in those years. We petitioned the Maharajah in the Durbar at Baroda about the Gadi Nazarana oppression, but we were simply told to pay and be off. Our petition was taken and read, and the answer given above recorded on it. It was the Gaekwar Mulharrao Maharajah himself who told us to pay and go away. The petition was handed over to a sepoy, who was told to take it to the Mahal. There were some 25 other petitioners at the time with me, and we all gave in this one general petition, which was disposed of as above related. The petition detailed our inability to pay, and the zulum practised upon us.

10. TRIKAM JESINGH, 40 years, Mattadar of Jalsan, in Pitlad, states:—In $\frac{\text{Svt. } 1929}{\text{A.D. } 1873}$ $\frac{\text{Chaitra}}{\text{April}}$ $\frac{\text{Vaisakh}}{\text{May}}$, one Trimbak Hari, a Karkun of the Pitlad Mahal, came to our village to levy the arrears of Gadi Nazarana. Finding that we could not pay, he had the villagers assembled, and choosing five persons, he made them touch their toes, and, keeping them in this posture, he placed prickly pear on their backs, and stones on the top of that; he kept them thus for a short time. The people were so terrified at this that they collected the money from wherever they could, and paid the arrears in two or three days. Four families have since run away from the village. I saw this torture practised. We reported this matter to the Pitlad Mahal, and all the answer we got was that we must pay the tax. We made no complaint to the Maharajah in Durbar at Baroda.

The Durbar decline to cross-examine.

11. NARHAR GOKALBHAI, 35 years, Mattadar of Ganda, in Pitlad Purgunna, states:—In $\frac{\text{Svt. } 1921}{\text{A.D. } 1864\text{-}5}$ the Pitlad people were called to Baroda to agree to a ten years' settlement of their revenue. They refused to pay the rates, and in consequence of this refusal some of us from the four villages of Brahmangam, Ganda, Jarali, and Mogri were imprisoned, and Bhavan of Brahmangam

was sent to sweep the roads. In consequence of this treatment we were so frightened that we agreed to pay the assessment.

In $\frac{\text{Svt. } 1922}{\text{A.D. } 1865\text{-}6}$ I was sent for to Sojitra to pay the Inam Commission tax. I professed my inability to do so, and was confined in the Thana of Sojitra for three or four hours, till I agreed to pay. The same night the force of horse, foot, &c. made an attack on the Brahman and Bhat quarters of the village, wounded some 15 or 20, and took 150 away to Pitlad because they would not pay this tax. Next day two sowars and five footmen came to our village, and beat the Kolis to make them pay the Inam Commission tax. In consequence of this, some 200 or 250 families of Kolis left the village, and have since subsisted by robbery. I have represented this to the Government 12 or 15 times, but no attention has been paid to my complaints.

In $\frac{1924}{1867\text{-}8}$ I was called upon to pay, with the other Mattadars, Rs. 400, as our share of a Nazarana of Rs. 50,000 levied on Bhow Scindia's being made Dewan. Refusing to do this I was imprisoned in Pitlad for 15 days, till I consented to pay Rs. 400 for the Nazarana, and Rs. 800 for the Vahivatdar, probably, as he said he would not let us out under that sum.

In $\frac{\text{Svt. } 1925}{\text{A.D. } 1868\text{-}9}$ I came in, with the other villagers of Pitlad, to Baroda, to complain about the increase of 2 annas in the rupee, and saw Chagabhai of Changa tied up and beaten. In consequence of his treatment we agreed to pay.

In $\frac{1928}{1872}$ two sowars and four or five peons came to levy the Inam Commission tax in our village, and in consequence of our refusal to pay they took some 50 of us, of whom I was one, to Bhagol, where they made us stand in a row touching our toes. They kept me like this for an hour till I paid my money.

In $\frac{1928}{1872}$, $\frac{\text{Bhadarwa}}{\text{September}}$, my brother-in-law was anxious to marry a woman of Visrampur. He and I bringing this woman to our village were stopped by the Thanadar of Bhavanta, who said he would not let us pass unless we gave him Rs. 300. We did so, and he at once sent us up to the Petlad Vahivatdar, who demanded Rs. 500 from us as the price of his permission. We gave him Rs. 200 and his son Rs. 350, after we had been detained in custody eight or ten days. Shortly after we were released, the woman ran away from us to Dabhol, in Borsad Taluka, where she has married another man. In consequence of her running off we have demanded our money back from the Vahivatdar and Thanadar, but they have refused to have anything to say to us. We have petitioned the Sir Sooba and have got back Rs. 375, but the balance we have been unable to recover.

The Durbar agents reserve cross-examination.

12. TRIKAM PADIJ, 40 years, Mattadar of Awakhal, in Sinor Purgunna, states :—In $\frac{1929 \text{ Posh}}{1743 \text{ January}}$, the Vahivatdar of Sinor, Vishnu Sudaseo, came to my village to realise the Gadi Nazarana. He had Karkuns and sepoys with him, and demanded Rs. 8,500 as our share of Gadi Nazarana. We said we could not pay the sum, even if he took all we had down to our food. He, therefore, arrested the whole of the villagers, and had the hands of some 25 men tied together. I was not one of these. I was in custody. They were made to stoop and three beams of wood were placed on their backs. Four men, being unable to bear the weight, fell down, and were beaten by the sepoys. Being alarmed for ourselves, we at last agreed to pay the money, and have done so.

Besides this, the Vahivatdar took a chit from us at that time for Rs. 2,800 on account of a tax of his own which he called "Gungi." I was kept in custody for two days. Till $\frac{1928}{1872}$ such was not the custom of levying taxes or revenue. I know that similar oppression has been practised in the villages adjoining ours. The villagers have told us so.

We made up the sum by the sale of the stock of grain we had reserved for future sowings and for our own food.

We made a verbal petition to the Maharaj in Durbar, stating what had been done to us, and our inability to pay the tax, but we were summarily expelled from his presence by the sepoys.

*Cross-examined by Durbar* :—If the matter is a private one, it is customary to petition on 8 annas stamp paper. If it relates to zulum on the part of the Sarkar the petition is made on plain paper. I did not make a written petition, because the Vahivatdar Bhikabhai told me that if I did not so petition he would get a remission of 2 annas in the rupee for us.

13. PARBHUDAS BHUKAN, 52 years, Revenue Patel of Timbarva, Purgunna Shinor, states :—In the year $\frac{1929}{1872\text{-}3}$ the Vahivatdar, Vishnu Sudaseo, called me to Shinor, and telling me he had to recover Rs. 20,000, the amount of Nazarana which he had paid to Sivaji Khanvelkar, demanded Rs. 2,000 as the share of my village. I represented that the Gadi Nazarana could scarcely be paid, and how could we possibly pay this demand. He imprisoned me for seven days in fetters till I agreed to pay. He accompanied me to the village, and we called the people together. They all declined to pay; whereupon ten of them were seized and two were flogged. On this, the rest consented to pay the amount demanded.

The village refused to pay the Gadi Nazarana; whereupon the Vahivatdar caused some 50 men to stand in the sun touching their toes, till at last they agreed to pay. The money has mostly been paid now.

I made a written petition to the Maharaj in the Durbar, on plain paper, about the oppression exercised on us in the matter of the "Gungi vero," but my petition was thrown away by the Karkun, into whose hands we gave it, and I was driven away. We did not petition about the zulum in the second matter, because no one would hear us.

We had never paid this "Gungi" tax before. It was a tax which was to be paid, but no mention made of it. The Vahivatdar took it for himself.

The Durbar agent defers cross-examination.

14. VARDHA KARSHAN, 22 years, Matadar of Timbarva, Purgunna Shinor, states:—In 1873, Vishnu Sudaseó, the Vahivatdar of Shinor, came to Timbarva, and calling the Mattadars together demanded Rs. 2,000 from the village. He said he had paid Rs. 20,000 himself to the Sarkar as Nazarana, and we must pay him back. We said we could not do it, as we had not the means; whereupon I and Mulji Narayen were seized and flogged with horsewhips, each receiving ten cuts on the back. Upon this we agreed to pay, and Rs. 1,500 were then paid. The Vahivatdar came down to Rs. 1,600 from his original demand of Rs. 2,000. Rs. 100 is still due from me, and mohsuls are now at this very time placed over me to make me pay it. I do not know whether the Vahivatdar was going to keep the money for himself or pay it to the Durbar. We made a petition to the Maharaj, relating how this "Gungi" tax had been levied from us by the Vahivatdar, and what he had done to us in levying it. We placed the petition in the hands of the Dewan in open Durbar. It was kept by the Durbar, but no redress has been given to us, or inquiry made in consequence of it.

The petition was one general one from us complaining, first, of our having been beaten; second, of the illegal tax.

The Durbar agents defer cross-examination.

15. UJAM JIVAN, Mattadar, Patel of Kanara, in Patan Purgunna, states:—The Gadi Nazarana was levied in $\frac{\text{Svt. } 1927}{\text{A.D. } 1871}$ in our village by the Mehta. Some four or five sepoys were sent from the Thana of Dhanu, and, in consequence of our refusal from poverty to pay this tax, some 20 men were placed in the open touching their toes, and with heavy stones on their backs, for a full three hours. In consequence of this treatment we agreed to pay. We sold our cattle, grain, &c., and paid the tax. In that year 20 families of cultivators left our village for Viramgam in the Ahmedabad zillah; 15 families of Kolis have also gone. No one has yet returned or will return. All the village will run off. I have seen similar oppressions practised in other villages all over the Purgunna. We did not make any petition to the Maharaj about the "zulum" exercised in levying the Gadi Nazarana, though we did petition against the tax itself, and by order of Hariba Gaekwar, the Revenue Commissioner, I was imprisoned for 13 days in Baroda, at the end of which time I was allowed, on agreeing with Baji Patel to pay the tax in 15 days, to go home.

The Durbar defer cross-examination.

16. RAICHAND VALJI, Mattadar of Kanara, in Patan Mahal, states:—In $\frac{\text{Svt. } 1927}{\text{A.D. } 1871}$, when the Gadi Nazarana was levied in our village, the Mehta brought five or six men from the Thana of Dhanu, and, on our pleading inability to pay, he caused some 25 of us to stand out in the open with stones on their backs for a good three hours at a time. Being filled with alarm at this, we sold our cattle, our grain, &c., and paid the tax. Some 20 cultivators, 15 Kolis, and 5 Bharwads (shepherds) deserted the village in consequence, and have not returned. They have gone to the Viramgam taluka of Ahmedabad district. I have made no petition about this zulum. My brother Ujam did to the Maharaj in Baroda (witness, No. 15).

*In answer to Durbar agents*:—The families left in $\frac{\text{Jeth}}{\text{June}}$ this year, being unable to pay their revenue instalments.

17. BAJI TOBAN, Patel of Unja, in Patan Mahal, states:—In the year $\frac{\text{Svt. } 1919}{\text{A.D. } 1862}$ some 200 Bhats were brought from different villages in the Purgunna to Patan to force them to pay the Inam Commission tax. I was myself in Patan on Government business connected with my own village, when one night these Bhats were attacked by the sepoys, and eight men and one woman killed. I myself saw the bodies next day. They had various wounds from swords, &c., upon them. I was one of the Panch who reported on them, and our opinion was that they had died from wounds inflicted upon them. I did not see them attacked myself. To levy the Gadi Nazarana in my village in the year $\frac{1928}{1971\text{-}2}$ some 50 men were made to stoop, with wooden beams on their backs. Others were made to rise and fall from a standing to a sitting posture, and *vice versâ* about 100 times in rapid succession. In this way the whole of the money demanded was realised from the village. Some 200 families have fled from my village in consequence of this tax and the oppressions practised upon them. I have made no petition about the zulum practised upon us to the Maharaj. It was practised by the Vahivatdar's men, the Thanadar and his men. I have made personal visits and inquiries in 50 or 60 villages in the Patan district, and I find that some 2,000 families have fled the taluka from the heavy taxation and zulum practised in levying it.

*In answer to Durbar agents*:—The 2,000 families who have fled from the taluka are principally Kanbis. I was not, personally, one of the victims of oppression in my village. I saw what was done to the ryots. I do not know whether or not the Bhats had done any acts of rebellion before they were attacked. The Vahivatdar did not send me to reason with these Bhats.

18. WALAB LAKSHMIDAS, Patidar of Kamral, in the Khangi Mahal, states:—In $\frac{\text{Svt. } 1927}{\text{A.D. } 1870}$, in consequence of the survey being introduced into our village, our rates were so raised that we were not able to pay them. The mehta of the village, in order to raise the money caused nearly everyone to stand touching his toes, had weights placed on their backs, &c., and by these means the rates were levied from the ryots. I, personally, was not so treated. I only

saw it done to other ryots. Some 50 families of Kanbis have left our village in consequence, and gone to settle in the Panch mahals, British territory. The Gadi Nazarana was levied in $\frac{1929}{1872}$ by similar means, by turning our women and children out of their houses, by making men pull our noses and ears, and so forth. We have made no petition about the various tyrannies practised upon us.

The Durbar agent reserves cross-examination.

19. PARBHU'BHAGA, Kanbi of Daman, in Telade tappa of Prant Naosari, states:—If the Government demands are not paid in my village the means resorted to, to induce payment, are to make us hold our toes, to bury us in hot sand up to the knees, to put weights on our backs, to forbid us access to wells and tanks, and so forth. The Gadi Nazarana was paid two years ago in our village, with difficulty, by borrowing money from Sahukars, &c. I myself was made two years ago to touch my toes, and carry a brick on the back of my neck, to cause me to pay my land assessment. Same ten families have left our village in the last two years in consequence of similar treatment, and gone to Walor, in the Surat zillah. I made no petition about my wrongs.

The Durbar agents reserve cross-examination.

20. RUDHAR DAJI, Brahman, cultivator of Veshma, in Naosari, states:—In $\frac{1929}{1871\text{-}2}$ the Gadi Nazarana was levied from our village by force. We, Brahmins, declining to pay, were kept in custody in the chowri for one or two days our cattle were tied up, &c. The Kanbis suffered more; they were made to stand, touching their toes, with stones on their backs, and so forth, and in this way the tax was levied from us. We made no petition to the Maharaj at the time about the zulum practised upon us.

The Durbar reserve cross-examination.

21. NARAYEN KIRPARAM, Brahmin, cultivator of Wadrasa, Purgunna Dehgam, states:—In the month of January 1873, the Vahivatdar's Karkun, by name Wamanrao, came to our village to collect the Inam Committee tax. My brother Nathuram Kirparam was amongst the number sent for to pay the levy, and as he could not do so at once, he and others, amounting to 13, were imprisoned. They were then, in the evening taken to the river and made to hold their toes. They remained holding their toes all night, and in consequence of the exposure and cold my brother Nathuram died. Upwards of 50 families from my village have run away and gone to the neighbouring districts of Ahmedabad. I made a petition to the Gaekwar about the tyranny which had been used, and he sent a Karkun, named Lallubhai Desai, to the village to make inquiries. From inquiries made by Lallubhai, it appeared that the allegation that my brother died in consequence of the treatment received was substantiated, and the guilt of the crime having been traced to Chababhai Desai, he was fined Rs. 1,000 by the Gaekwar, and his land was also attached.

The Durbar agents decline to cross-examine.

22. TULJA HIRABHAI, Patidar of Gowesar, Khangi Mahal, states:—About two years ago, Mehta Jamnadas Bhaiji came to my village to collect the Gadi Nazarana cess, and all who were too poor or unable to pay were compelled to stand in the sun holding their feet; stones were placed on their backs and they were bent down with their weight. I was amongst those who were so treated; and under this pressure I paid. Others were placed in the stocks, and left there until they promised to pay. I made a petition on the subject to the Gaekwar, but he did not give any attention, and said we must all pay our assessment, or it would be worse for us.

The Gaekwar's agents reserve cross-examination.

23. AMBAIDAS MORAR, Patidar of Gowesar, Khangi Mahal, states:—About two years ago, one Mehta Jamadas Bhaiji came, by order of the Vahivatdar, to my village to collect the Nazarana cess. All who refused to pay, or were unable to pay, were tortured in different manners to compel them to do so. I was myself so treated, being compelled to stand in the sun, holding my toes, and stones were also placed on my back, and at last I preferred paying to enduring more ill-treatment. I orally petitioned the Maharaj, but he did not afford us any redress.

The Durbar agents reserve cross-examination.

24. AMBAIDAS HARJIVUN, Ugratdar of Mandala, Dabhoe Purgunna, states as follows:—In January or February 1873, the Vahivatdar, Tatya Mahadev, came to my village to realise the Gadi Nazarana. The people had great difficulty in finding means to pay this, so stones were placed on their backs, and they were made to stand in the sun, holding their toes. I was also so treated.

In November or December 1872, the Vahivatdar before mentioned sent for me and told me that a "Sadhnukri" tax of Rs. 4,000 was to be levied from my village. I asked him what this new imposition was. To this he replied that he had to pay a Nazarana of Rs. 35,000 to the Sarkar to obtain his appointment, and that he wanted to reimburse himself. I refused to pay this large sum; on which the Vahivatdar had me seized and taken to the upper story of the house where he was lodging. I was there tortured in various ways until I gave a promise in writing on behalf of the village to pay Rs. 1,900. Of this sum, about Rs. 1,000 have been paid, and mohsuls are sent to levy the remnant. The other villagers were ill-treated to the same extent.

In the same year, the same Vahivatdar ordered a cess, amounting to Rs. 225, to be levied from the Patels on account of "Sadi choli," that is to say, a tax levied for providing clothes to the

Vahivatdar's newly married wife. This we refused to pay until we were tortured as we had been previously. In consequence of these acts of oppression upwards of 50 families have left the village lately, and gone to reside in the Panch Mahals. To obtain some redress we got Shankar Gela, of Dhabhoe, to petition the Maharaj, but we got no redress. On the contrary, Shankar himself was imprisoned by the Vahivatdar.

The Durbar reserve cross-examination.

25. SHANKAR GHELABHAI, Patidar of Dabhoe, states as follows:—In March last, I was deputed by all the villages of the Dabhoe Purgunna to proceed to Baroda to complain of the tyranny which was practised in realising the different illegal cesses imposed by the Vahivatdar, Tatya Mahadev. The forms in which he practises tyranny in the realisation of the cesses are numerous, and are all within my personal knowledge, I having seen them myself. The people are made to stand in the sun with their hands touching their toes. They are bound and stones placed on their backs, and they are severely beaten. I am a Desai of Dabhoe, and all the people who were oppressed have confidence in me, knowing that I am acquainted with all their hardships. This was the reason I was selected to lay their hard case before the Maharaj. On presenting my petition in the Gaekwar's Durbar to His Highness he paid no attention to me, and the sepoys drew me away from the Kutcherry. Afterwards, as a punishment to me for having presented the petition, the Vahivatdar confined me for three days in his house, from which, however, I contrived to escape.

The Durbar reserve cross-examination.

26. VIRCHAND LILA, Patidar of Umta, Kheralu Purgunna, states:—The rates of assessment have been repeatedly raised of late in my village, and improper cesses have been imposed In 1867–68, a Karkun named Mama Saheb came to the village, and because we would not pay, all sorts of oppression were practised on us. We had to stand in the sun, touching our toes with our hands. Stones were placed on our backs. We were beaten, bound, and otherwise ill-treated. At that time Baba Saheb Sarshi was Vahivatdar. He was succeeded by Bandu Saheb, and we were still tortured when we could not pay the cess. In consequence of this ill-treatment, upwards of 50 villagers have deserted their homes and gone into neighbouring districts. I petitioned the Gaekwar repeatedly about the tyranny which was practised on us, but never got any redress.

The Durbar reserve cross-examination.

REPLY of the DURBAR to the PITLAD and other Purgunnas' complaints of oppression in levying the revenue and taxes.

We are not prepared either to admit or deny the allegations made by witnesses regarding the oppression to which they say they were subjected. We do not know the names of the persons who these witnesses say were subjected to oppressive treatment. Under these circumstances, we could only adduce evidence of a general character to show that zulum was never resorted to as a system. This evidence the president considers, being of a negative character, cannot invalidate the positive facts deposed to by the witnesses. In deference to this opinion we do not urge to be permitted to adduce evidence of that kind. Looking at the class to which the witnesses belong, and their position, our impression is that their description of torture is at least considerably exaggerated, if not totally false. The probable truth is that when they refused to pay the dues of the State they were kept in confinement for short terms, with a view to enforce the payments. However, if anything beyond this did really happen, which we are not prepared to admit, it was without our sanction. The rules in force do not permit that procedure, while a general circular was issued in $\frac{\text{Svt. } 1929}{\text{A.D. } 1873}$, February, distinctly prohibiting the exercise of any kind of zulum on any person. Our conduct has been in perfect harmony with the spirit of these Circular Orders; and whenever cases of oppression come to the notice of the Durbar, regular inquiries are made, and the guilty parties punished.

The assessments having been fixed for a term of 10 years, at a time when high prices prevailed, may appear to be high at the present time, but as the 10 years' term will shortly expire, a fresh assessment will be made according to the circumstances of the cultivators.

With regard to the Nazaranas generally, they were levied in accordance with previous custom, and the Gadi Nazarana specially was levied with the knowledge of the late Resident, Colonel Barr.

The Bhats of Patan are naturally ill-disposed to Government, and were called upon to give security to keep the peace. They declined to give it, and went about from village to village committing self-immolation, "traga," even killing their own associates. The Government people killed none of them. When they came to Patan the Government tried to arrest them, and they again committed this "traga," but the Government officials killed none of them as alleged.

With reference to the Sojitra Bhats and Brahmans, they refused to pay the Inam Committee tax, and were turning people against Government. A company of 100 soldiers, with one gun, were sent to arrest them. They brought 12 of the ringleaders into Baroda, where they were tried and sentenced to imprisonment. While in jail three or four of them died, but from natural causes.

Mulharrao Maharaj has exempted Bhats and Brahmans from paying the Inam Commission tax.

TRANSLATION of CIRCULAR ORDER issued by the DURBAR of His Highness MALHARRAO.

No. 314.

Circular from the Chief Fouzdari Officer at Baroda, to all Vahivatdars in Petlad Mahal.

It has come to the notice of His Highness the Maharaj that in the Mahals of His Highness' territory certain Government officers, Vahivatdars, Thanadars, Fouzdars, Karkuns, Mehtas, Mukhis, Jemadars, &c., exercise, in virtue of their official position, oppression towards the ryots, and also use violence to them in collecting the Government dues by exacting forced labour, and in other ways for their own benefit, the result being that the ryots suffer from this oppression.

The following instance of this sort having recently occurred in the village of Wadwas, in Dehgam pargana, to the effect that one Amin Chababhai Desaibhai used tyranny and violence, contrary to law and justice, to a Brahmin, a resident of that place, an inquiry was made in the Fouzdari Department, at head-quarters, and the charge having been proved against the said Amin he has been appropriately punished.

Further be it known that the following order has now been issued, cautioning all officers concerned, to the effect that if similar instances of oppressing the ryots be hereafter found to have been practised by any officer for his own benefit by misuse of his official power, or if instances of corruption come to the knowledge of Government, and are proved against any officer, His Highness the Maharaj will punish him, irrespective of what his position or rank may be.

This circular has been issued by order of the Maharaj, and you are directed to see that these instructions are fully carried out. An acknowledgment of this circular should be sent within four days. Dated this $\frac{\text{Magh vad. 13th, Svt. 1929}}{\text{23rd February 1873}}$.

(Signed) BALWUNTRAO YESHWUNT.

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FINAL STATEMENT BY THE RESIDENT.

SCHEDULE II., CASES 3, 6, and from 11 to 31, both inclusive.

Also No. 65, relative to the prevention of Naosari people from attending the Commission, and their persecution by Durbar officials.

Baroda, 5th January 1874.

The evidence which I was prepared to submit to the Commission regarding the maladministration of the Revenue Department of the Gaekwar State was not recorded, owing to the orders received from the Government of India prohibiting any inquiry into the details of the revenue system of the Gaekwar State.

The Pitlad Purgunna of 90 villages was represented at Baroda by the chief men and ryots of 83 villages; indeed, every district was well represented except Naosari, only a few of the ryots and Patels of which managed to elude the vigilance of the district officials, who, notwithstanding the Durbar's assertions to the contrary, exerted themselves to the utmost to prevent them from coming to Baroda.

The details of this, as also the persecution of several persons who had come to Baroda to complain, and had fled into the Surat Collectorate, as reported by Mr. Hope, will be found under Case 65 of Schedule II.

I have reason to know that the officials of Naosari and their relatives at Court particularly dread the consequences of an inquiry into its revenue administration, because the entire system, including the Revenue Survey * itself, is said to be as fraudulent in respect to the Gaekwar State as it is tyrannical with regard to the people; and the real question is whether this state of affairs is confined to Naosari. I believe not.

* The original claim of Bhanabhai Lalbhai, the boundary pillar contractor, No. 7 of Schedule III., was rejected in connexion with this survey.

Although the main cause of discontent amongst the landholders and agricultural classes of the whole State has not been directly inquired into, yet it is submitted that the evidence recorded by the Commission of the forcible means which have been systematically used everywhere by the Durbar to collect its revenue, affords undoubted proof of over-taxation to an oppressive extent, because it is not reasonable to suppose,† that if respectable persons like those under examination had it in their power to pay the Government demands, they would year after year, for the last eight or nine years, have incurred torture, imprisonment, and every kind of annoyance by obstinately refusing to meet them.

† The Durbar, in speaking slightingly of the position of these people, condemn themselves. Every man examined was a Matadar or a Patel; the heads, in fact, of agricultural classes. Moreover, all these persons have incurred extreme risk by coming forward.

The Durbar, indeed, in their reply of the 18th December, instead of facing the difficulty and promising reform, attempt to show that if there is anything wrong they are not responsible for it. They state,—

1. That they are not prepared to admit or deny the evidence recorded, because they do not know the names of the persons‡ subjected to oppressive treatment, and that such was not systematic.

‡ *Note.*—Every witness gives specific instances.

2. They then contradict themselves by saying that the description of torture given is at least considerably exaggerated, if not totally false.

3. That such tyranny is contrary to a general circular* issued by them in February 1873.

4. That the Gadi Nazarana was levied with the knowledge of the late Resident, Colonel Barr.

5. That the Bhats of Patan were not killed by Government sepoys, but immolated themselves.

6. That the Sojitra Bhats and Brahmans, against whom a military force was sent, refused to pay the Inam Committee tax, and were turning people against the Government, and that only three or four of them died, but from natural causes, not from their wounds.

7. That with respect to the Naosari business, they issued no orders to prevent persons from coming to complain, and they evade altogether the circumstances reported by Mr. Hope.

* This is merely a circular addressed to the Vahivatdar, Pitlad Mahal, and is not a general one.

In these and other replies given to the Commission of late, the Durbar would make it appear that there is little or no room for reform in the matters investigated. The briefest possible glance, however, at the evidence itself will, it is submitted, show the contrary. For instance—

Witness No. 1 describes the circumstances under which an old widow died from ill-treatment by Government sepoys, simply because her three sons had deserted the village through inability to pay the taxes demanded of them.

Also that in May 1873 one Karkun Daji Shridar, tortured the witness and 10 or 15 others till they paid the Gadi Nazarana.

Witness No. 2 cites case of Bhavandas, of Brahmangam, also the Sojitra case, also case of Chhagabhai, Patel of Changa, tortured at Baroda; 25 Kanbis deserted the village.

Witness No. 3 confirms foregoing.

Witness No. 4 cites the case of a Koli named Kasra; ten Kolis deserted the place.

Witness No. 5 cites the case of the same Karkun, Daji Shridhar, as above, who tortured 40 or 50 men, all of whom, if alive, would be forthcoming; and so on, in every instance, specific cases are cited which could easily have been verified by the Durbar had they chosen to take the trouble to do so. Thus the excuse that they do not know the names, and that the torture was not systematic—moreover that the whole account is exaggerated, if not totally false, is disproved, not only by the 26 representative witnesses in this case, but by the collateral evidence of the Patan and Visnagar torture cases, Seiad Sadak Ali's case, which show that not only in the Revenue, but in the Police and Judicial departments also, torture is practised in a systematic manner to extort revenue agreements, collect revenue, extort money, confessions, razinamas, and acquittances of every kind; in short, there is scarcely a case or a transaction even amongst those which have been brought before the Commission, in which the system is not enforced in some shape or other.

Had the details of the revenue administration been gone into, the reasons for employing torture would become apparent, inasmuch as what with the excessive assessment, numerous cesses, unauthorised levies by Vahivatdars and others, desertion of homes, Nazarana, short measurement of land, encroachment on giras lands and haks, forced labour, &c., &c., the agricultural classes are thoroughly pauperised, and their condition about as hopeless an one as it can well be.

With regard to the circular of February 1873, which the Durbar in their reply call a general one, it is not so, it having been addressed to the Pitlad Vahivatdars alone, who have evidently taken good care to keep it to themselves. Moreover, it will be seen by the evidence of several witnesses that they were turned away by the Maharaja himself, when they came to complain about the oppression committed in connexion with the levy of Gadi Nazarana and other cesses; *e. g.*, witness No. 7, who is the chief man of the village of Ardi, in Pitlad, with three other Matadars, went to the Vahivatdar to complain, and were confined by him in a privy till they promised to pay 300 rupees. They also failed to obtain redress from the Durbar for this instance of oppression, which I have reason to know is by no means uncommon in the Gaekwar State. There is also the instance of witness No. 25, who in March last, immediately after the date of this circular, was removed from the Maharaja's presence unheard, although he went to complain against the oppression of the Vahivatdar.

In fact, the system of farming out Vahivatdarships and other offices, judicial and executive, initiated by the present administration, together with the prevalence of bribery and corruption, fostered the very abuses which the circular was supposed to suppress, and thus it will continue to be in this unfortunate state so long as the present administration is in power.

With regard to the Bhats of Patan, even if they did commit self-immolation, as stated by the Durbar, which is not borne out by any evidence whatever, they were driven to it by the treatment they received from the Durbar officials. This, however, and the Sojitra case, are matters of history, the real facts of which cannot be controverted, and can be sworn to by hundreds of people.

Finally, with reference to the Durbar's assertion that whenever cases of oppression are brought to His Highness' notice, inquiries are made and the guilty parties punished, I beg to say that in my own experience it depends upon who the guilty parties are, as to whether any notice at all is taken of the case, or punishment awarded, inasmuch as I can quote a great number of instances in which justice has not been done, and the guilty parties have escaped. Indeed, as one instance I quote the whole of the circumstances set forth in case 65, Schedule II., regarding Naosari, which has been evasively dealt with by the Durbar, when they say in their reply to the Commission that they issued no order to prevent persons coming to Baroda to complain. If this be true, why have they not replied to my letter of 5th December up to the present moment, and why were not the persons produced between that time and the date of the departure of the Com-

mission, as they well might have been? Instead of this, those who had come to Baroda and returned home were persecuted and driven out of their homes because they had come to Baroda to complain.

These cases are still pending.

The question of disturbances in British territory in connexion with the state of affairs in the Pitlad and Kadi Purgunnas has already been dwelt upon in the Administration Report for 1872–73

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CASE No. 4.

2. JETHABHAI DALLABHAI, Leva Kanbi, 51 years, of Piz in Petlad Mahal, states:—In $\frac{\text{Svt. 1929}}{\text{A.D. 1872}}$ I agreed to take the Vahivat of the Kheiralu Mahal for 5 years. The revenue is over 2 lakhs of rupees, and I promised to pay Rs. 1,000 annually more than had been levied in the previous year. This Rs. 1,000 was to be realised from ryots who had unauthorisedly cultivated land, and who held waste land without paying for it. I paid Rs. 10,000 to Nana Sahib to induce him to give me the Vahivat. The sum was to be paid in one year in consideration of my having the office for the five following years. I paid Rs. 5,000 in cash at once and Rs. 5,000 in two or three months afterwards. On the first occasion were present a number of people. I gave the money to be counted to the Nana Sahib's Jemadar. There was no entry made in any account book, nor did I get a receipt for my money. I paid Rs. 4,000 on the second occasion, and Rs. 1,000 on a third occasion, when I got my quittance from Nana Sahib. I went to my mahal the fifth day after this, and remained there six or seven months, realising the Government revenue. In June last, I got a notice from the Government that a new vahivatdar was appointed over me, and directing me to proceed to Baroda. I came in at once, and tried to get an explanation from the Nana Sahib, but he kept putting me off day after day with excuses of sorts for 2 or $2\frac{1}{2}$ months, till I made my complaint to the Resident, as no one else would listen to me. The reason of my offering the Rs. 10,000 "sukdi" was from my knowing it was the usual custom in the State.

The Durbar reserve cross-examination.

The complainant makes a further statement before the Commission to the following effect:—

In addition to the Rs. 10,000, which I said yesterday I gave to Nana Sahib, I also gave Rs. 1,500 to one Narayenbhai, the Sir Sooba's Karkun, and Rs. 500 to one Gopalrao, the Nana Sahib's Karkun, the vakil of the Petlad Mahal. I had intended to mention this yesterday, and believed I had done so, but it appears not to have been taken down.

*Cross-examined by Durbar Agents:*— The signature on the Karar (agreement) shown to me is mine, but I do not know what is written in it, as I do not know Modi (Marathi). The term in the written agreement is one year, but I understood I was to have it for five years. I distinctly understood that this agreement, though passed only for one year, was to be renewed annually for five years when I paid in the yearly revenue at Baroda. I forgot to mention the Rs. 500 paid to Gopalrao in my original petition to the Resident. It was written hastily, and I did not remember that item at the time. No complaint, so far as I know, has been made against me in the Durbar since I was Vahivatdar. The Durbar has not informed me that such complaints have been made. It is specified in the agreement that I am not to levy any extra taxes from the ryots.

STATEMENT OF THE DURBAR.

1st. The lease of the Mahal was given to complainant for one year only, at the end of which time his successor was appointed.

2nd. That in consequence of communications, both verbal and written, between the Maharaj and the Resident, the complainant was repeatedly summoned through the Resident to appear before H. H. the Gaekwar with the proofs of his complaints, but that, in consequence of his failing to do so, his case has not been inquired into.

3rd. That he has embezzled public money, and has not given in the accounts of his Mahal.

4th. That there are now pending against him before the Durbar several charges of bribery and oppression.

5th. That, though directed to proceed to his Mahal to give over charge to his successor, he has not done so.

FINAL STATEMENT BY THE RESIDENT.

The petitioner complains that after making an agreement with the Minister to manage the Kheiralu Mahal for five years, and after paying the Minister as a Nazarana Rs. 10,000 for the privilege, besides Nazaranas of Rs. 1,500 to Narayenbhai, the deputy Sir Sooba, and Rs. 500 to Gopalrao, the Minister's Vakil, he had been deprived of his management after a few months. The Durbar deny that the Mahal was let for more than one year, but it is noticeable that the petitioner was not left in charge even for this short period. Moreover, the fact of bribery is not affected by such a question one way or other. With reference to clause 2 of the Durbar's explanation, it may be remarked that had the petitioner obtained from the Durbar any reasonable hope of a settlement of his case, it is most improbable that he would not have availed himself of the opportunity. The petitioner, however, states that for upwards of two months he was in constant attendance on the Minister, trying to get a hearing, and that he was induced to appeal to the Resident as a last resource. The Resident's reasons for not sending this case up to the

Durbar after some time had elapsed are fully stated in his letter to Government No. $\frac{173}{852}$, dated 18th September 1873.

Statements 3, 4, and 5 are irrelevant; besides the Resident is aware that, when this case was first reported, attempts were made to buy off the petitioner.

The Resident respectfully submits that his chief object in bringing forward the case was to illustrate and reform the most pernicious practice of the Minister of a State, and the revenue officials, trading in high civil and judicial appointments of this kind. There can be no doubt that this system of farming the Mahals on payment of heavy Nazaranas is a system generally prevalent throughout the whole of the Baroda district, and has been carried to excess during the present administration. Hence the petitioner and others of this class have been induced to run heavily into debt, under promises that they would secure a five-years' tenure of an appointment by paying a certain amount. In several instances like the present these promises have been broken, the bribe retained, and the purchaser of the appointment ruined. Whether such conduct is becoming the character of a Prime Minister, and whether those who have committed such crimes ought not to be advised to restore what they have taken as a warning to others, are questions of reform which it would appear desirable to suggest for such a State as Baroda, because it appears to be no advance whatever in that cause for high officials to say that they are sorry for certain offences against their own laws, when at the same time they are allowed to retain their ill-gotten gains and enjoy them; whilst their victims are sent to jail.

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### Case No. 9.

1. Vela Uma, koli, 22 years, Matadar of Jagral, in Patan, states:—Some 20 days after last Divali, the Fouzdar, Fateh Ram, came to our village, and accusing me of the theft of some gold bricks and silver chains, took me to the chowri and had my house searched. Nothing was found therein. I represented that the complaint was made against me through emnity, as I was the Matadar, but that I knew nothing of it. I was taken by him the same day to the Wagrol Thana, where my hands were tied behind my back, and I was suspended in this state to a "nimb" tree. I was then beaten by his orders over the body and arms by a jamadar and sepoy. I show the marks of the flogging on my person now. I was beaten on three occasions. On the last occasion the Thana Karkun Raghunath called on me to confess. I was so worn out by constant floggings that I said I had given the gold bricks to a Vania, by name Chagan. What I then stated was false; I did not steal the bricks; I never gave them to Chagan, and I knew nothing about the matter at all. In consequence of what I said, Chagan was seized and beaten by the police in the same way as I had been. One Balla Bhat was also similarly beaten. I did not mention his name, which was given to the Fouzdar by the same person who had mentioned mine, I suppose. I was kept in custody at Waghrol for five days after I was beaten, and was then taken to Patan, where I was further confined for two days, and was only released on my signing a paper to the effect that I had not been beaten or ill-treated. The Bhat Balla made a petition by post to the Durbar, which I agreed to. I do not know of any inquiry having been made or punishment inflicted by the Durbar in consequence of our petition.

### Statement of the Durbar.

There is no doubt that the Fouzdar has committed "zulum." The case has been inquired into by the Durbar on receipt of petitioner's complaint direct; he has been arrested, suspended, brought in here, and the case has been clearly proved against him. He has been released on bail after reference made to the Resident, and we are only waiting for this complainant to come up to sentence this Fouzdar and Raghunath.

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### Case No. 10.

2. Balvant Mehru, of Jagral, and Chagan make similar statements to the preceding complaint, and the Durbar reply in the same way that they were unjustly and improperly beaten by the Fouzdar in the case, and that, the inquiry having been completed, the charge is proved, and the Fouzdar is awaiting punishment.

### Final Statement by the Resident.

### Cases 9 and 10.

The facts of this very serious case have been only partially elicited by the brief examination of three witnesses before the Commission. The Durbar have, however, admittted the guilt of the chief criminals, Fattehram Fouzdar, and of his accomplice Raghunath, and have expressed an intention of punishing them.

In order, however, that the Commission may have an opportunity of forming a fair opinion (1) regarding the gravity of the crime committed, and (2) regarding the actions of the Durbar officials with reference to this crime, the Resident would respectfully invite the attention of the Commission to the petitions of relatives of two of the sufferers, which were forwarded to Government with endorsements Nos. 197–933 and 198–934 of October 14th, 1873.

The Resident respectfully submits that these petitions contain a substantially true account of this very serious case. It will be seen from these petitions that the torture inflicted was of a brutal and revolting kind, and that two unfortunate women, named Amba and Gulab, were also

subjected to cruel and unmerciful flogging in public Kutcherry. The following is a list of the sufferers in the case :—

1. Velia Uma, Koli Matadar.
2. Chhagan Dulechand, Bania.
3. Balvant Meru, Bhat.
4. Bhaiji Meru, Bhat.
5. Parbhudas Parsotam, Bhat.
6. Tribhovan Bhathi, Bhat.
7. Amba. } Women of the Bhat caste.
8. Gulab. }

The character of the injuries inflicted on these persons is fully described in the petitions referred to, and have been substantiated orally before me. The Commission will not fail to observe that at the time of their investigation, December 5th, four of the chief sufferers, viz., Chhagan Dulechand, Bhaiji Meru, and the two women, were never produced by the Durbar, although on two occasions, viz., November 8th and November 18th, the Durbar had been advised by the Resident to produce all these persons for examination before the Commission. It was stated, however, that one of these witnesses, named Chhagan Dulechand, was still so ill from the injuries which he had received that he was unable to attend.

The main points in the case to which the attention of the Commission is respectfully invited are as follows :—

1st. The flogging of women and men in public Kutcherry without any legal sentence or order of a competent court.

2nd. The motive for which the flogging was inflicted, viz., to extort confession.

3rd. The position of the officer by whom the flogging was inflicted, viz., the chief criminal authority of the district.

4th. The indiscriminate nature of the torture inflicted, eight persons being similarly treated.

5th. The infliction of torture on a British subject named Parbhudas Parsotam.

In forming an opinion on the gravity of the case, the Commission will not fail to bear in mind that the case is not an ordinary case of police torture, which might occur in any district even under the best regulations. In the present case the petitioners represent not only that no crime had been committed, but that no person had even come forward to complain. The torture is stated to have been merely a device for squeezing money out of persons who were supposed to possess money. The case, moreover, must not be considered as an isolated case of torture. In the case of the goldsmith, Kasiram Ambaram, No. 44 of this schedule, precisely similar violence was inflicted, and in that case also a woman is alleged to have been one of the victims, and to have died from the injuries which she received. This case also occurred in the Patan District. The Commission again will not fail to bear in mind the case of the woman Baini, who was tortured in Visnagar in order to extort confession of a crime which she had never committed, *vide* case No. 41 of this Schedule; also case No. 39 of this Schedule, in which eight persons were alleged to have been publicly flogged in order to extort confession of crime which there is good reason for believing had never occurred.

This case, in connexion with several others that have been presented to the notice of the Commission, establishes the following facts :—

1. That torture is employed in the Baroda district to extort confession.
2. That this crime is practised not only by subordinates but by the chief criminal authorities of the district.
3. That even women are subjected to this torture in places set apart for the administration of public justice.

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## Case No. 32.

### General Attachment of Wuttuns throughout the Baroda State.

The Durbar agents admit that all Wuttuns were attached by the late Khunderao Maharaj, pending inquiry, about eight or ten years ago, and state that His Highness Mulharrao Maharaj has issued a proclamation declaring that the attachment of all these Wuttuns has been withdrawn, and the parties entitled thereto permitted to enjoy them as heretofore, until their right to them has been formally adjudicated, to admit of which they are called upon to produce their proofs within 12 months from the date of the proclamation, viz., 3rd November 1873.

### Final Statement by the Resident.

The admission by the Durbar that all Wuttuns were attached by the late Khunderao Maharaj, pending inquiry, about eight or ten years ago, speaks for itself. No explanation whatever has been assigned for the delay in commencing the inquiry, and it will be observed from the date of the proclamation recently issued on November 3rd, that the presence of the Commission alone has induced the Durbar to take any action in the matter at all.

The Wuttundars themselves regard the attachment as a mere pretext for spoliation, and have no confidence whatever in the conduct of the proposed inquiry. When it is remembered that the titles of these Wuttundars are more ancient than that of the Gaekwar himself, it may be admitted that the fears of the Wuttundars are not groundless. The general confiscation of Inams, and the

spoliation of all classes in the Baroda State by the present administration, is a fact which speaks for itself, and has aroused the greatest alarm and discontent.

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CASE No. 35.

SHAHA SAHEB USMAN-KHAN, Musalman, Fakir of Madras, states:—I came to Baroda between two and three years ago, and lived at a Dharmsala near the station. I used to write to a newspaper, "*The Dabdabhe Sekandre Akhbar*," published at Rampura. I got no money from the paper, only a copy of it. I sent general news of matters which I saw occurring under my own eyes. I wrote nothing against the Government or Maharaj. I did mention instances of zulum which I saw; for instance, about two Brahmans, one of whom I saw run over by one of the Gaekwar's carriages. Both he and his companion were taken up. I also mentioned about cartmen having their carts seized and sold by the Government. A doctor who had a quarrel with me informed the Government of my writing to the paper, and one day, about eleven months ago, a Karkun and two sepoys arrested me, and took me to the Fouzdari. I was taken before one Chaganlal, and my deposition written. I was asked my name, residence, &c., and whether I had written to the paper. On my admitting that I had done so, I was taken off to jail. I was not told what my sentence was, but I saw the warrant which the sepoy was carrying, and in it I read that I was sentenced to 12 years' imprisonment, Rs. 1,000 fine, and in default of payment five years' further imprisonment. I cannot read Mahrathi. I can read Guzerati if it is well written or printed. The warrant was in Guzerati. The deposition of one Nathoo Patel was also taken, but it did not relate to my writing to the newspapers, for which I understood I was punished as above. I was confined for nine months, and was then released on Nathu petitioning the Resident, at whose instance I was discharged. At the time of my original arrest, my property, consisting of books, clothes, silk threads, &c., value about Rs. 25, was taken possession of, and on my release a sum of Rs. 4, for which my things had been sold by auction, was given to me, together with Rs. 2 to pay for my ticket to Bombay. A sepoy was sent with me to the station, and I was ordered to start by the first train. I did not take a ticket. I merely got a platform pass, and thus eluded the sepoy. I concealed myself for that day (Sunday), and next day went to the Resident to pay my respects to him, and to tell him my story. He gave me a pass authorising me to remain in Baroda. About 12 days ago I went down to the river here to bathe, and was arrested by two sepoys, who would not pay any attention to my pass. They conducted me out of Gaekwari territory, and told me that if I were found again in Baroda I should be imprisoned. I have since been living at Sitpan Tankaria, in the Broach District, and only came up here last night.

The Durbar agents decline to cross-examine, but promise to make a statement about the case.

Recalled, states in reply to the Durbar:—I recognise the two signatures on the two Guzerati papers now shown to me as mine. All the five papers written in the Urdu character now shown to me were written by me, and were found in my house when I was arrested. The third signature on the receipt shown to me is also mine.

STATEMENT OF THE DURBAR.

There has been a regular inquiry into this case. The papers now produced, which complainant admits were written by him, show the libellous nature of the letters which he wrote to the newspaper, and disclose an offence against the Gaekwar personally, as well as against his Government. Consequently the punishment was 12 years' imprisonment. He was released on the recommendation of the Resident that he should be turned out of Gaekwar's territory.

We deny that we sent any sepoys to expel him from Gaekwar territory after he got the Resident's pass, as alleged by him. We show the complainant's receipt for all his property which was given to him on his release. The signature is admitted by him.

Lastly, we consider him to be a subject of the Gaekwar's Government, and the Government was therefore justified in the action it took.

The Durbar produce certain letters found in the complainant's house, written in Urdu, to the editor of "*The Dabdabhe Sekandra Akhbar*," and acknowledged by the complainant to be in his handwriting.

These being read by the Nawab Saheb Faiz Ali Khan, one of the Commission, are found to be a series of foul personal attacks of the most gross nature upon the Maharaj personally.

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CASE No. 37.

MAGANBHAI PARSHOTAM, 18 years, head of the firm of Hari Bhagti, of Baroda, Surat, and Ahmedabad, states:—In $\frac{\text{Svt. } 1920}{\text{A.D. } 1863}$, Khunderao Maharajah took from my mother, my father being dead, a chit for the sum of 20 lakhs of rupees, which, on the assertion of one of the Goomashtas of the firm, Pitambar by name, he declared to be due to the State from us. I am the adopted son of Parshotam, and was at that time a child. Out of the sum 6 lakhs were paid, but some five or six years after, on proof being adduced that the money was not due, Khunderao said that the balance of 14 lakhs was not to be paid, and that the 6 lakhs should be refunded. He lived for 1½ or two years after this, but did not refund the 6 lakhs nor restore the chit. Mulharrao has given back the chit, but not the 6 lakhs. At the time of my adoption by Parshotam, the sum of 5 lakhs was paid as Nazarana to the State, and entered in the books of the firm.

Some few months after Parshotam's death, the sum of Rs. 75,000 was lent to Mulharrao as a

private transaction. He had not then ascended the throne. Immediately after his accession he sent our Goomashta Girdhar Trikam, who had been imposed on us by Khunderao, to demand a quittance for this sum of Rs. 75,000. I refused to give this, but that night, about 8 p.m., when I was asleep, Girdhar came again, and informed me that it was the will and pleasure of the Maharajah that I should give this quittance, and that I had no choice in the matter. Under these circumstances, I gave the quittance without having received anything in return. Some seven or eight months ago, Mulharrao Maharajah sent Girdhar again with a "Jasod," Government messenger, and asked to see some diamond ornaments. I sent some, including a necklace. That evening Balwuntrao Raholkar came and asked to see some of my best jewels for the Maharajah. He selected four or five, which he took away with him, and which the Maharajah, approving them, kept. I don't know their value. They consisted of earrings, necklace, &c. His Highness Mulharrao gave me a "poshak," ornamental dress, worth some Rs. 50, and presented Girdhar with a pearl necklace. He also gave me back the chit for 20 lakhs of rupees mentioned above. At the time of the Divali in 1872, the Maharajah asked for my emerald necklace, valued at some 4 or 5 lakhs of rupees. It was at that time mortgaged to the killedar for Rs. 75,000, and to enable me to redeem this mortgage, the Government lent me 2½ lakhs. Of this amount, Rs. 16,000 has been since paid off. I got back the necklace from the Killedar, and about a month afterwards Wussuntram Bhow came and asked for it for His Highness. The key of the box in which it was kept not being forthcoming, a blacksmith was sent for, the box broken open, and the necklace taken away. I went with Wussunt to the palace, but the Maharajah being asleep I was not admitted, and had to return home. Next day, when I went to pay my respects to the Maharajah, he was wearing the necklace. He received me well, and at my request he promised to give me Government aid in recovering debts due from different people in Baroda. About the time of the Divali the Maharajah took away from my house a valuable chandelier and clock. In making up our accounts at that time, I was compelled, after much discussion, to credit the Government with Rs. 25,000 on account of one Gordham Trikam being made cashier to Government, this sum having been promised to him by my Gumashta Girdhar to be paid if he got the place. It was done without my consent and against my will. In $\frac{\text{Svt. } 1928}{\text{A.D. } 1871}$, four Inam villages, together with cash allowances, aggregating Rs. 20,000, and a garden of ours in Baroda were attached by the Gaekwar. We have still to pay the cost of keeping up this garden, but H.H. Mulharrao keeps it for his mistress Radhabae.

The complainant produces several Sanads granting his family the villages which were attached. The Durbar agents admit the genuineness thereof.

The Durbar agents have no cross-examination to make, and defer their statement.

### Reply of Durbar.

Maganbhai's mother passed a bond to H.H. Khunderao for 20 lakhs in settlement of old debts due to the State, and in part payment thereof gave 6 lakhs. There is no record of H.H. Khunderao having given any order to return this bond to the complainant, or in other words to cancel it. On the contrary, on the representation of complainant's Munim, Girdhar Trikam, the Durbar was induced to return this bond to complainant to prevent the old firm of Hari Bhagti from being totally ruined. On this occasion the complainant presented a Nazarana of an emerald necklace and five other ornaments, a garden called Nao lakhi, cash Rs. 25,000, &c.

The deed of release for Rs. 75,000 was given voluntarily.

The levy of a Nazarana of 5 lakhs by H.H. Khunderao on the occasion of Maganlal's adoption was made in conformity with prevailing custom. H.H. Khunderao appointed Girdhar Trikam as Munim to conduct the affairs of the firm during complainant's minority. Complainant voluntarily offered a Nazarana of Rs. 75,000, if he was allowed to remove the Munim. He passed a bond for that amount, and Girdhar was accordingly removed. Complainant, however, soon afterwards applied for the services of the same Munim, as the affairs of the firm could not be well conducted without him. His application was made through the late Dewan Gopalrao Myral, and Girdhar was re-appointed. The complainant protests against the resumption of his villages and the stoppage of his allowances in the month of Bhadrapad $\frac{1929}{1872}$; but all debts owing to bankers having been cleared off, there was no reason to continue these grants.

### Final Statement by the Resident.

Maganbhai Parshotam, representative of the firm of Hari Bhagti.

Baroda, 3rd January 1874.

The Resident respectfully submits that the explanation of the Durbar in this very serious case is altogether inadequate and unsatisfactory.

The substance of the petitioner's complaints may be summarised as follows :—

1st. That the petitioner was unjustly compelled to pay an enormous Nazarana, amounting to 5 lakhs of rupees, before his adoption was recognised by the Durbar.

2nd. That subsequently to the adoption of the petitioner, his mother was forcibly compelled by the Durbar to sign a bond, for 20 lakhs of rupees, which were not due to the Durbar, and that on the strength of this false bond, thus extracted from the petitioner's mother, 6 lakhs have actually been paid to the Durbar by the petitioner's firm.

3rd. That the present Maharajah has appropriated, without payment, five magnificent sets of

jewels, which are the private property of the petitioner, and which are valued at about 5 lakhs of rupees.

4th. That the present Maharajah has also appropriated, without payment, a magnificent emerald necklace, valued at upwards of 5 lakhs of rupees, the private property of the petitioner.

5th. That the present Maharajah has forcibly compelled the petitioner to sign a deed of release for a sum of Rs. 75,000, which had been lent to the Maharajah before his accession by the petitioner's firm.

6th. That the present Maharajah has resumed all the petitioner's villages and stopped his allowances without any cause whatever, although he, petitioner, holds hereditary Sanads for the villages and allowances in question, the genuineness of which has never been disputed.

7th. That during the minority of the petitioner certain creatures of the Durbar have been placed in charge of the firm solely for the purpose of plundering it; and that loss to the extent of one lakh of rupees has been caused by the depredations of one Girdhur Tricum so appointed by the Durbar.

8th. That, in order to procure the removal of the said Girdhur Tricum from his position as manager, the petitioner was compelled by the Durbar to pay a sum of Rs. 75,000, though the estate was nominally under Durbar management, and though Girdhur Tricum was the Durbar nominee.

9th. That although Girdhur Tricum was removed by the Durbar on the payment of Rs. 75,000 by the petitioner, yet he was subsequently replaced in the same position by the Durbar, and continued to plunder the firm as before, until finally removed a few months ago.

With reference to the first complaint, the Durbar state that Nazarana was levied in accordance with existing custom. The petitioner does not deny the existence of the custom, but contends that the amount levied was simply extortionate, and that the Durbar made use of the exigency of the situation to exact an amount for which there is not only no precedent, but which in the case of trading firms is simply ruinous. The Resident respectfully submits that the petitioner's contention is just. He has reason to know that the case of the present petitioner is not an isolated case of extortion practised on a gigantic scale under colour of existing custom. The representative of the late Gopalrao Myral has been similarly mulcted of the sum of 10 lakhs or 100,000*l.*, although the right of adoption is a legal right, dependent not on the will of the Maharajah, but on the recognised precepts of Hindu law.

With reference to the second complaint, the Durbar give no explanation whatever of the circumstances under which the bond for 20 lakhs was given by the petitioner's mother.

This omission is significant. The petitioner's account is as follows:—In the year Svt. 1920, the present deputy Sir Sooba, named Narayenbhai Lallubhai (who left the British service under the Rewakanta agency under suspicious circumstances, and who has figured conspicuously in many disgraceful transactions), was sent by the Durbar to examine the accounts of the petitioner's firm. Narayenbhai, in collusion with a certain discharged servant of Hari Bhagti's firm, who had formerly acted as Munim, pretended to discover in the accounts of the firm a certain item of 15 lakhs which they alleged was due by the firm to the Durbar on account of certain transaction which occurred in Svt. 1854, or sixty-five years previously, while the firm was protected by the guarantee of the British Government. The petitioner contends that this alleged debt of 15 lakhs is utterly false, and asserts that the claim was concocted by his fraudulent ex-Munim, together with Narayenbhai, in order to give the Durbar a safe opportunity of plundering the firm. The claim thus concocted was immediately pressed by the Durbar, and the petitioner's mother was forcibly compelled to sign a bond for the whole amount of the alleged debt with interest, making up a total sum of 20 lakhs or 200,000*l.* of English money. In order to secure her signature on this bond the petitioner's mother was kept in confinement in her own house for one month, three of her confidential clerks were imprisoned, and no one was allowed to have access to her until she had complied with the Durbar's wishes and had signed the bond, which was the signal for commencing the plunder. The lady was finally compelled to sign the bond on Kartag Sud 4th, Svt. 1920, and an agreement was taken from her to pay the whole amount of 20 lakhs in instalments of 3 lakhs per annum. Two instalments were actually paid for the years Svt. 1920 and 1921, amounting to 6 lakhs. In the year Svt. 1922, for some reason or other which is not apparent, the payment of the instalments was discontinued. The bond, however, was not cancelled, and the amount of 6 lakhs which had been paid on the strength of this fraudulent bond has never been repaid to the firm. *Vide* detailed explanation, Schedule II., Case 37.

The Durbar's explanation of the petitioner's 3rd head of complaint is characteristic. It is asserted that the jewels appropriated by the present Maharajah were given by the petitioner as Nazarana, on the cancellation of the bond for the 20 lakhs above referred to; and it is represented that the cancellation of the bond was an act of grace on the part of Mulharrao Gaekwar. Considering the fact that the bond had remained in abeyance since the year Svt. 1921, when the last instalment was paid, and considering the circumstances under which the bond had been originally extorted, the surrender of it by the present Gaekwar was a somewhat ambiguous act of grace. Khunderao Gaekwar first employed the bond to plunder Hari Bhagti's firm of 6 lakhs of rupees, and Mulharrao Gaekwar has employed the same bond to plunder the petitioner of jewels amounting to 5 lakhs of rupees in value, under the shallow disguise of performing an act of generosity.

No explanation whatever has been given by the Durbar regarding the circumstances under which the Maharajah possessed himself of the petitioner's emerald necklace,* valued at upwards of 5 lakhs of rupees, and the petitioner's being uncontradicted speaks for itself.

* This necklace is a well-known and celebrated one for the costliness of its jewels.

The explanation of the Durbar regarding the petitioner's 5th head of complaint, viz., that the release for the Rs. 75,000 was given voluntarily, is under the circumstances simply incredible. To say nothing of the fact that the petitioner was a minor, and under the protection of the Durbar at the time, it is simply incredible that a business firm would have, without any reason whatever, waived their claim to three-quarters of a lakh. The petitioner moreover distinctly states that he was forcibly compelled to give a deed of release.

The causes assigned by the Durbar for the resumption of the petitioner's villages and allowances are simply unintelligible. The petitioner is only one of numerous complainants who have been despoiled in a similar manner without any valid reason whatever except that the Durbar wished to possess themselves of property belonging to Baroda subjects in the easiest and most direct fashion.

No explanation has been afforded regarding the petitioner's 7th head of complaint. The facts speak for themselves.

Regarding the 8th and 9th subjects of complaint, the explanation of the Durbar can hardly be accepted. Girdhur Tricum was the individual appointed by the Durbar who had wrought such ruinous loss on the firm that the petitioner was readily induced to pay a Nazarana for his removal; but considering that Girdhur Tricum was the Durbar's own nominee, the exaction of a Nazarana for his removal was utterly preposterous. The statement that the petitioner subsequently applied for his services is, under the circumstances, simply incredible, besides being distinctly denied by the petitioner.

The Resident having completed his review of the whole of this very disgraceful case, begs earnestly to invite to it the most careful attention of the Commission. The petitioner, it will be remembered, is the representative of a princely banking firm intimately connected with the history of the Gaekwar, and well known throughout the whole of the Presidency. The facts of the case are substantiated by evidence of unimpeachable character, and no more glaring instance of spoliation on a gigantic scale has ever been made public.

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## Case No. 39.

## Flogging Case.

With reference to this case, the Sir Fouzdar Balwuntrao Yeshwunt, one of the Durbar agents now present, by whom the trial was held, hands in the proceedings in the case, which he states contain full particulars of the trial, and all information as to what took place at the trial which was held before him. He further states that the confessions were taken down in his presence and signed by the prisoners before him, in the course of the proceedings, and that these proceedings were completed, and the sentence of punishment pronounced, before punishment was inflicted. His attention being drawn to the fact that certain of the depositions are unsigned by him, he states that it has so happened by oversight.

A translation of the proceedings has been made by Rao Saheb Balkrishna, the Mamlatdar, attached as translator to the Commission, which will be found recorded in the file.

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### Substance of the Criminal Case No. 102 of 1873.

### Criminal Proceedings held before the Chief Foujdari Officer at Baroda.

Dated Falgun Vadya 4th, Tuesday,
Svt. 1929, March 18th, 1873.

The following accused persons are present before the Court on a charge of administering poison to Tatiaba Powar, and inquiry is commenced :—

1. Accused, Dajiba Hari Powar; by caste, a Maratha; age, about 25 years; occupation, that of a Kamati in the employ of Government; residence, at Baroda, in Kalupura.
2. Ditto, Ganu bin Dhondi Devre; by caste, a Maratha; age, about 29 years; occupation, the same as No. 1; residence, at Baroda, in New Bazar.
3. Ditto, Vithoba bin Bapuji Nikam; by caste, a Maratha; age, about 45 years; occupation, the same as No. 1; residence, at Baroda, in Walupura.
4. Ditto, Raghu bin Babaji Sawat, by caste, a Maratha; age, about 32 years; occupation, that of a servant in Government Sillakhana; residence, at Baroda, in the Government palace.
5. Ditto, Narayen bin Shivba; by caste, a Vanjara; age, about 40; occupation, that of a Government attendant; residence, at Baroda, in Lakad Pith.
6. Ditto, Lakshman bin Pandoba More; by caste, a Maratha; age, about 35 years; occupation, that of a Khidmutgar or attendant in Jamdarkhana; residence, at Baroda, near Panigate.
7. Ditto, Fatteh Ali Aminudin; by caste, a Borah; age, about 16 years; occupation, that of a Goomasta (agent or Karkun); residence, at Baroda, in Mogal Vada.
8. Ditto, Ranchod Deoji; by caste, Ghanchi; age, about 16 years; occupation, that of a dealer or trader; residence, at Baroda, near Ranchod Mandir.

One of these, accused Nos. 1 to 6 are charged with committing wilful murder, and Nos. 7 and

8 are charged with abetting the commission of the said offence, viz., that on the night of Sunday, Falgun Vadya 2nd, Svt. 1929, at Baroda, in the Government house, in Government Sillekhana, Nos. 1 to 6 administered arsenic to Jamdar Tatiaba Powar, by mixing in a dish called "shrikhand," which was given him to eat at the time of his meals, whereby the said Tatiaba Powar died the next day, Falgun Vadya 3rd (Monday morning), and that Nos. 7 and 8 sold the arsenic to accused, Nos. 1 and 2. This offence comes within the scope of the Fouzdari decision, No. 1. Accused, Nos. 1, 2, 3, and 7, plead guilty, and Nos. 4, 5, 6, and 8 plead not guilty.

The following are the papers of inquiry recorded in this case :—

No. 1. Complaint lodged by Lakshmi, widow of Jotiba Katkar, and sister to the deceased Tatiaba Powar.

No. 2. Statement of accused, No. 1, Dajiba bin Hari Powar.

No. 3. Statement of accused, No. 2, Ganu bin Dhondi Devre.

No. 4. Statement of accused, No. 3, Vithoba bin Babaji Nikam.

No. 5. Statement of accused, No. 4, Raghu bin Babaji Sawat.

No. 6. Statement of accused, No. 5, Narayen bin Sivba Vanjara.

No. 7. Statement of accused, No. 6, Lakshman bin Pandoba More.

No. 8. Statement of accused, No. 7, Fatteh Ali Aminudin Borah.

No. 9. Statement of accused, No. 8, Ranchod Devji.

No. 10. Report of medical men, Narayenrao and Adarji.

On a consideration of these papers recorded as Nos. 1 to 10, it appears that on a certain day the accused, Nos. 2, 3, 4, 5, 6, and 7, thought of killing the Jamdar, Tatiaba Powar, by administering to him some poisonous substance. It was supposed by them that by so doing the appointment held by the said Tatiaba would be conferred by Government on the accused, No. 5, Raghu Sawat, and that he (Raghu), promising the other accused to provide them with situations on being so nominated in Tatiaba's place, instigated the accused, No. 2, Daji bin Kari Powar, No. 3, Kamati Ganu bin Dhondi, and No. 4, Kamati Vithu bin Babaji Nikam, to proceed to the commission of this foul deed. An opportunity occurred on Falgun Vadya 2nd (Sunday morning), at about eight o'clock, when the accused, Nos. 2 and 3 went to the shop of Nurudin Borah, a supplier of medicinal drugs to Government, and managed to obtain from his Goomasta, the accused No. 8, Fatteh Ali, about a tola of arsenic, under the pretext of its being needed for medicinal purposes. This poisonous substance was shown by them to accused, No. 4, Kamati Vithu, and the matter formed the subject of conversation by the accused, Nos. 2, 3, 4, 5, 6, and 7, amongst themselves. After this, at about three o'clock p.m., the accused, No. 2, Daji bin Hari Powar, prepared the dish called "shrikhand," and mixed in it the arsenic alluded to. The pot in which the "shrikhand" was put was closed up by tying a rumal (handkerchief) over its mouth. After this, the deceased, Tatiaba Powar, together with the accused, Nos. 2 to 7, proceeded to the parade ground, where the ceremony of sprinkling coloured powder in celebration of the Holi festival took place. They all returned in the evening to the palace, when the deceased Tatiaba asked the accused, No. 2, Dajiba Powar, to give him something to eat, as he felt hungry. The accused, No. 2, told him that he had prepared the "shrikhand." The accused, Nos. 2, 3, and 4, also prepared food as usual, and called the deceased Tatiaba and others to eat. At the time of serving the meal, the deceased Tatiaba and accused, No. 5, were given the dish "shrikhand." The deceased Tatiaba ate it with avidity, but the accused, No. 5, Raghu Sawat, carefully abstained, pretending that he could not eat, owing to a pain in his stomach. After the lapse of some time the poisonous drug contained in the "shrikhand" took effect, and Tatiaba at about 12 p.m. that night began to purge and vomit. After a while the deceased's sister, Lakshmibae, complainant No. 1, came to the palace and asked him, while yet conscious, what was the matter with him. The deceased Tatiaba told her that the accused, No. 2, Daji bin Hari Powar, had induced him to eat of the "shrikhand," and had treacherously mixed with it some poisonous drug. Upon this information the medical men, No. 10, Narayenrao Venayekrao and Adarjee Jamsedji, were sent for. They saw him, and prescribed many remedies ; but his case became hopeless, and he at last expired on Monday morning (Falgun Vadya 3rd). The accused, No. 2, Daji bin Hari Powar, makes a confession to the above effect. In the same way the accused, No. 3, Ganu bin Dhondi Devre, confesses to having gone in company with the accused, No. 2, and brought the arsenic alluded to from accused, No. 8, and of its having been mixed with the "shrikhand." Similarly the accused, No. 4, Vithoba bin Babaji Nikam, admits in his statement that the accused, Nos 2 and 3, after having brought the poison, informed him of the fact, and showed it to him. He further states that the reason of administering poison to Tatiaba was that accused, No. 5, Raghu, was to succeed him in his situation, and that Raghu had given him and the others assurance that they would all be provided with situations from Government. The accused, No. 5, Raghu, denies this story *in toto*. But from the statements of accused, Nos. 2, 3, and 4, as well as from the circumstance that he did not eat the "shrikhand" which was served him by the accused, No. 2, Daji, when he sat in company with the deceased Tatiaba to take his meal, pleading the false excuse that he was suffering from pain in his stomach, it appears clear that he was implicated in the perpetration of the foul deed. The accused, No. 6, Narayen bin Shivba Vanjara, and No. 7, Lakshman bin Pandoba More, plead total ignorance of the above affair in their respective statements. They admit having accompanied Tatiaba to the place where the ceremony of the sprinkling of coloured powder took place, but deny any knowledge of the poisoning. This latter statement is false, as the accused, Nos. 2, or 3 and 4, show that they were their accomplices. As all these persons used to live together, it shows that they (accused, Nos. 6 and 7,) were concerned in the perpetration of this murder. The accused, No. 8, Fatteh Ali Aminudin, allows in his statement that when the accused, Nos. 2 and 3, came to his shop and asked for arsenic, telling him that it was required for killing mice, he gave them

that drug, about a tola in weight, on the morning of Sunday, the 2nd of Falgun Vadya. As regards the accused, No. 9, Ghanchi Ranchod, the accused, No. 2, Dajiba bin Hari Powar, has stated that he brought the arsenic from his (Ranchod's) shop, but the said Ranchod Devji denies this in his statement. On a search being made at his house a quantity of arsenic was found in his shop; and Drs. Narayenrao and Adarji certify in their report that the deceased Tatiaba Powar's death was brought about by the effects of poison which had been swallowed by him.

As it has been proved from this evidence, as also from the confessions of accused, that the Sarkari Jamdar Tatiaba Powar was deprived of his life by the above-mentioned prisoners administering to him poison in the dish called "shrikhand," and the papers in this case having been explained to His Highness the Maharajah, the following sentence has been passed in accordance with his orders, viz., that the accused, Nos. 1, 2, 3, 4, 5, 6, 7, and 8, shall, in consequence of their conviction of this offence, be whipped with 12 stripes each at each of the following stations, viz., the four gates, the mandvi, the house of the deceased Tatiaba, and near the Raopur platform, and that they shall each suffer rigorous imprisonment for life. It was further proclaimed throughout the city of Baroda that anyone in future committing or being implicated in similar misdeeds would be similarly punished.

(Signed) BALWUNTRAO YESHWUNT.

Endorsement to the effect that the above punishment of whipping has been inflicted, and that the prisoners have been forwarded to the jail with a yadee, No. 1105, to the address of the jail officer. It being time for the closing of the cells the necessary warrants could not be prepared. The necessary notifications have been issued. Date, the same as above.

(Signed) BALWUNTRAO YESHWUNT.

Read and recorded at No. 11 in this case; a report, No. 633, received from the jail officer, stating that of the prisoners, Nos. 1 to 8, prisoner No. 2, Ganu bin Dhondi Devre, died on his way to the jail. Date, the same as above.

(Signed) BALWUNTRAO YESHWUNT.

The necessary warrants, Nos. 33, 34, 35, 36, 37, 38, 39, of the prisoners, Nos. 1, 3, 4, 5, 6, 7, and 8, have been issued this day in the name of the jail officer. Date, Chaitra Shudh 6, Svt. 1929, 3rd April 1873.

(Signed) BALWUNTRAO YESHWUNT.

One Amtha Devji, brother to prisoner, No. 1, Ranchod Devji, submitted a petition this day, representing that his brother has been very ill in the jail. Amtha, on being taken before His Highness the Maharajah, and his brother's case being explained, the Maharajah directed that the sentence of imprisonment already undergone by him was sufficient, and that the remainder might be remitted. An order, No. 686, has accordingly been issued to the jail officer to release the prisoner, No. 8, Ranchod. Dated Bhadrapad Vadya 13th, Svt. 1929, 19th September 1873.

(Signed) BALWUNTRAO YESHWUNT.

There being a lunar eclipse to-day, His Highness the Maharajah verbally ordered that some prisoners should be released, and on the statement containing the register being brought before the Maharajah, prisoners in this case, No. 4, Raghu bin Babaji, No. 5, Narayen bin Shivba Vangara, No. 6, Lakshman bin Bandoba More, and No. 7, Fatteh Ali Aminudin, were under his (Maharajah's) orders released at the time of the eclipse. Dated Kartick Vadya 1st, Svt. 1930, 5th November 1873.

(Signed) BALWUNTRAO YESHWUNT.

PRÉCIS of the Vernacular (Marathi and Guzerathi) Papers of Evidence recorded in Criminal Case No. 102 of 1873.

1. Complaint on solemn affirmation submitted before Balwuntrao Yeshwunt by one LAKSHMI, widow of Jotiba Katkar, dated Falgun vad 4th, Svt. 1929, representing that her brother, Tatiaba Powar, was murdered by Daji Kamati, who administered to him poison in a dish called "shrikhand," and that in support of this charge there were three witnesses, Eshvanta bin Bapuji, Raghu bin Bajirao, and Vithu bin Babaji. She begs that inquiries may be instituted in the matter, and the offender brought to punishment.

2. Statement of the accused, No. 1, DAJIBA BIN HARI POWAR (taken before Balwuntrao Yeshwunt, but does not bear that officer's signature), is dated Falgun vad 4th, Monday, Svt. 1929, in which he deposes that the deceased Tatiaba Powar had directed him yesterday to prepare "shrikhand" for him, which he prepared that day about 3 p.m., and put in a vessel, the mouth of which was closed by him, the room in which it was kept being locked. When he returned that evening to the palace, Tatiaba informed him that he was hungry, and that he therefore placed the "shrikhand" before him; meanwhile his food was brought in a plate by one Eshvantrao Kamati, and Tatiaba sat down to eat. That he placed before him the "shrikhand" about three-quarters of a seer in weight, the whole of which was eaten by him. At about midnight Tatiaba began to purge and vomit, and about five next morning he was taken to his house by his sister, Lakshmibae. Meantime news was received that Tatiaba had died. He is ignorant of the cause of his death. He did not put any poison in the "shrikhand," nor was he instigated by others to do so. He saw Tatiaba some time after his meal, and he was purging and vomiting. He complained of a burning sensation in his body. The "shrikhand" was prepared by him alone, and nobody was present at the time. Tatiaba was all right before he took his meal.

Further statement of the accused, No. 1, Dajiba, taken before Balwuntrao Yeshwunt (but does not bear that officer's signature), has the same date, but, instead of Monday, Tuesday is written there. The accused states as follows :—On the night of Sunday last, the "shrikhand" which he had given Tatiaba to eat was mixed by him with white powder of arsenic. This arsenic was brought to him by the accused Lakshman More and Ghanu Devre from the shop of accused Fatteh Ali, and was about half a tola in weight. Accused Vithu Kamati and Narayen Vanjara are also accomplices in this act. The reason of Tatiaba's being poisoned was that accused Raghu Sawat some four days back said that if Tatiaba were poisoned and died he would get his place, and thereby be able to provide all with employment under Government. Being thus instigated, he together with others did this act. The accused Raghu Sawat was served with the "shrikhand," but he did not eat it, as he knew it had poison in it. The arsenic was not brought from a bania's shop.

3. Statement of the accused, No. 2, GHANU BIN DHONDIBA MORE, taken before Balwuntrao Yeshwunt (but does not bear that officer's signature), is dated Falgun vad 4th, Tuesday, $\frac{\text{Svt. } 1929}{\text{A.D. } 1873}$. The accused Ghanu denies having any knowledge of the cause of the death of Tatiaba Powar, but he simply heard, as he lives near him, that he died on Monday last. As his (accused Ghanu's) mother died at that time he was embarrassed in his affairs, and therefore he knew nothing of that matter. He does not know who prepared the "shrikhand" and whether any poisonous substance was put in it. He knows nothing about that affair.

Further statement of the same accused, taken the same day, but does not bear the signature of Balwuntrao Yeshwunt. The accused states :—The above statement is not true, but what he states now is true. He did not bring the arsenic himself, but it was given him by accused Dajiba Kamati to be kept with him and given him back when required. He gave it back to him at about nine o'clock, when he (Dajiba) returned from his house. He was aware of the evil intention of the accused Raghu Sawat, Dajiba, and Vithu to make Tatiaba swallow the poison in curds and thereby to kill him. On Sunday following, the accused Dajiba mixed the powder of arsenic in the "shrikhand" prepared by him, and it was eaten by Tatiaba. The reason of doing this was that the accused Raghu Sawat wished to deprive Tatiaba of his place. All this intrigue he was aware of.

Further statement of the same accused, taken the same day, but does not bear the signature of Balwuntrao Yeshwunt. The accused states :—It was he, and accused Daji who brought the powder of arsenic from the accused Fatteh Ali, Goomasta of Nurudin Borah, under the pretext that it was required for medicinal purposes.

4. Statement of accused, No. 3, VITHOBA BIN BABAJI NIKAM, taken before Balwuntrao Yeshwunt, but does not bear his signature. It is dated Falgun vad 4th, Tuesday, Svt. 1929. The accused states :—He is not aware of the cause of Tatiaba's death. He only knew yesterday (Monday) that Tatiaba had died. He knows nothing about the preparation of the "shrikhand," or whether any poison was administered to Tatiaba.

Further statement of the same accused, taken before the same officer the same day, but does not bear his signature. The above statement is not true, but what he now states is true. Some four or five days ago, the accused Dajiba Kamati, Ghanu Sawat, and Lakshman were sitting on a terrace and thought of poisoning Tatiaba. Accordingly on Sunday last, accused Dajiba prepared the "shrikhand," and mixed with it powder of arsenic. Dajiba gave this to Tatiaba to eat, and the latter ate it. He is not aware from what place Dajiba brought the arsenic. The reason of doing all this was that Dajiba expected to get Tatiaba's place, and Daji also mentioned that even if the accused Raghu got Tatiaba's place, he (accused Vithu) would be provided with a situation.

Further statement of the same accused, taken the same day, but does not bear the signature of Balwuntrao Yeshwunt. The accused says :—He did not go with accused Daji to bring arsenic. Accused Daji and Ghanu are the persons who brought it from the Government Borah's shop. This fact having been told him by them, he replied that they had done right. He did not say this before, because he was told by accused Raghu and Ghanu not to divulge the secret even if he were beaten.

5. Statement of the accused, No. 4, RAGHU BIN BAJI SAWAT, taken before Balwuntrao Yeshwunt, but does not bear his signature. It is dated Falgun vad 4th, Tuesday, Svt. 1929. The accused says :—On the night of Falgun vad 2nd, Sunday, $\frac{\text{Svt. } 1929}{\text{A.D. } 1873}$, Tatiaba Powar was all right. At about 8 p.m. Tatiaba and himself sat down to eat. Both were served with "shrikhands;" Tatiaba ate it, but he, Raghu, could not eat it, as he had a pain in his stomach. It is a fact that after some time, about 12 o'clock midnight, Tatiaba began purging and vomiting, and that he died on the morning of Monday following. He did not tell Lakshman More and Ghanu Devre to bring arsenic, nor does he know whether or not accused Dajiba had put any poison in the "shrikhand." He and Dajiba Kamati are at variance with each other. He did not see the accused Dajiba preparing the "shrikhand," and does not know when it was prepared by him.

6. Statement of the accused, No. 5, NARAYEN BIN SHIVBA VANJARA, taken before Balwuntrao Yeshwunt, but does not bear that officer's signature. It is dated Falgun vad 4th, Tuesday, Svt. 1929. The accused pleads ignorance of the cause of the death of Tatiaba, and denies everything as regards the above related affair.

7. Statement of accused, No. 6, LAKSHMAN BIN PANDOBA MORE, taken before Balwuntrao Yeshwunt, but does not bear that officer's signature. It is dated Falgun vad 4th, Tuesday,

Svt. 1929. The accused states :—He does not know of the sickness and cause of Tatiaba's death, but was simply informed, on arrival at the palace, that Tatiaba had expired. He is not aware whether or not Tatiaba ate "shrikhand," and does not know by whom it was prepared There was no consultation between accused Raghu and himself about any affair, and he was not concerned in bringing any arsenic. He does not know anything about it. He has no enmity against the accused Daji.

SUBSTANCE.

GUZERATI DEPOSITIONS.

Accused, No. 7, FATTEH ALI AMINUDIN, states:—I am a Goomasta (servant) of the Government Borah Nurudin Miakhan. The day before yesterday, Falgun vad 2nd, Sunday, Government Kamati Ghanu and Daji, who are now present, came early in the morning to my shop and asked for arsenic for the purpose of killing rats. Consequently I brought and gave, without weighing, about half a tola of the poison, which was in a tin box in my master's house. No record was kept, and no price was taken, but it was given without payment. The tin box which contains the arsenic in my master's house is produced by me. Falgun vad 4th, Tuesday, Samvat 1929.

Before me.
(No signature.)

Accused, No. 8, RANCHHOD DEVJI, states:—I have never sold arsenic to Daji bin Hari, a Kamati, who is now present. My master, Narayen Dwarkadas, sells arsenic at his shop, but he does not sell it to anybody without a permit from the Government.

Question.—Daji Kamati says that you have given him the arsenic. How do you explain this?

Answer.—I have sold no arsenic.

Before me.
Falgun vad 4th, Samvat 1929. (No signature.)

8. Report of the medical men named Narayenrao Venayek and Adarji Jamsedji, dated Falgun vad 3rd, Svt. 1929. It bears the indorsement of its having been recorded in the case, but there is no signature of Balwuntrao Yeshwunt below it. They state :—Yesternight at about 12 o'clock they were sent for by the Durbar, and on arrival were ordered to examine Tatiaba as he was very ill. Tatiaba was purging and vomiting for a long time and was suffering much from a burning sensation in his stomach and all over his body. Looking to the state of his sufferings they recognised signs of Tatiaba having swallowed some poisonous substance. Several medicines were given to lessen the effects of the poison, but they were of no avail. He at last died in the morning and his nails turned black. Judging from the symptoms and appearances they cannot arrive at any other conclusion than this, that his (Tatiaba's) death was the result of his having partaken of some poison.

SUBSTANCE of the GUZERATI YADS.

Yad from the jail Kamdar to the chief officer of Huzur Fouzdari.—The following prisoners with fetters were sent for imprisonment along with your yad No. 1105 :—

1 Raghu Libaje Sawat.
1 Fatteh Ali Aminudin.
1 Lakshman Vithoba More.
1 Daji Hariba.
1 Vithu bin Baji.
1 Ghanu bin Dhondiba.
1 Ranchod Devji.
1 Narayen Shevba Vanjara.

Out of the above eight persons the prisoner Ghanu bin Dhondiba died on the way, and his corpse was brought in a cart and made over to me. Excluding this prisoner, I have received seven persons. They have been put in irons and confined separately. I have written this for your information.

(Signed) BHUJANGRAO MORESHVAR.
Falgun vad 4th, Tuesday, Svt. 1929. NISBAT BALVANTRAO ESHVANT.
To Baba Sahib.

Of the eight persons taken out to be publicly disgraced to-day, the prisoner Ghanu bin Dhondi died on his way. Kamini Tatiabia, who went to inform the Maharaj of this, received an order that the dead body should be taken to the jail in a cart. Accordingly the Jemadar of the Kutcherry has conveyed the corpse to the jail, and I am awaiting instructions for its disposal.

(Signed) BHUJANGRAO MORESHVAR.
Falgun vad 4th, Svt. 1929. NISBAT BALVANTRAO ESHVANT.

FINAL STATEMENT BY THE RESIDENT.

Baroda, 7th January 1874.

An outline of the main points in this case has been given in Schedule No. II., and in continuation thereof the Resident now begs to submit the accompanying detailed comment on the judicial proceedings of the Durbar produced in Court on the 17th December last.

2. The Resident would observe that he had no opportunity of inspecting the original proceedings until they were laid before the Commission by the Sir Fouzdar Balwuntrao Yeshwunt, the

officer who holds them; nor has he been furnished with copies of them. There is, however, it is submitted, sufficient evidence on the face of them to show that they are utterly untrustworthy, and the Resident has no hesitation in reiterating the opinion which he has before expressed as to the real character of this very serious case; especially serious, he would submit, in consequence of the contemptuous conduct of the Durbar in connection with it from the very first.

3. On the 17th December the Resident offered to produce the wives of the two prisoners still in jail, to show that severe flogging preceded the alleged confessions; it was decided, however, by the Commission not to go into the details of the case, but to obtain a general statement of the facts from the Durbar agent, Balwuntrao Yeshwunt, who had conducted it. Under these circumstances the case still remained open for inquiry.

4. This official, however, in answer to the very reasonable request of the President of the Commission that he would favour them with a brief explanatory account of the circumstances as they occurred from the beginning, declined to do so, under the pretence that as a member of the Durbar he could not allow himself to be examined by the Commission without the orders of the Maharaja, or words to that effect. He eventually consented to put in certain proceedings, and to verify them in the manner recorded by the Commission.

5. The Resident regrets to be obliged to record, in the interests of justice, that the manner and bearing of the Sir Fouzdar Balwuntrao Yeshwunt on this as well as other occasions before the Commission was not such as to convey a sense of his credibility as a Durbar agent, and it will be seen from a perusal of the alleged confessions which he then put in, none of which are attested by his signature, that without the explanatory statement which the Commission asked for, and the Sir Fouzdar declined to make, no light whatever is thrown upon the current of events as they took place in this case between about 9 p.m. on Sunday, the 16th of March last, and 10 or 11 o'clock p.m. of Tuesday, the 18th idem.

6. That omission, however, the Resident is now in a position to supply in somewhat fuller detail than has already been given in the petition of Borah Hassanbhai which accompanied his letter to Government, No. $\frac{209}{967}$, dated 27th October last.

7. It appears that on Sunday, the 16th of March, the deceased Tatia Powar took part in the general Hoolee ceremonies, during which he was exposed in the sun in wet clothes for several hours. In the evening he returned home, washed with cold water and lime juice in order to remove the stains of the red powder that had been thrown over him, and partook freely of liquor with his dinner. Later again in the evening, viz., between 8 and 9, he appears to have eaten a large quantity of an indigestible dish called "shrikhand," and to have drunk more spirits, not long after which he seems to have been seized with Asiatic cholera, the natural consequence of the exposure &c., that he had undergone throughout the day; and in corroboration of this view of the case the following evidence is forthcoming:—

Borah Nurudin Miakhan, medicine seller to the Baroda Government, states on solemn affirmation, before the Resident, on 5th January 1874, that he was summoned to the palace at 10 p.m. on 16th of March last, when Tatia Powar was taken ill. Maharaja's chief Hakim was present at that time. He questioned Tatia regarding his illness, which he did not attribute to poison. Witness believed that Tatia was suffering from Asiatic cholera. John, doctor, Aderji, doctor, and Narayenrao, doctor, came, and all of them expressed the opinion that the patient was suffering from cholera. Poison was not spoken of by any of them. Had such suspicion existed, antidotes would have been used. On the second day after Tatia's death, witness was summoned to the Fouzdari, together with his two Goomastas. He there saw three of the accused persons lying in an almost insensible state from beating, bodies lacerated and tied with ropes; did not see the flogging, but he was informed that they were flogged in front of the Fouzdari. One of these accused, named Ghanu, pointed to his Goomasta, Fateh Ali, as the person by whom poison was sold. Fateh Ali denied having sold any poison. The Fouzdar thereupon called the witness downstairs and appealed to him. He stated that he kept all poisons in his own charge, and that Fateh Ali could not possibly have sold any poison, as alleged. Notwithstanding this explanation, Fateh Ali was flogged at the Fouzdari till he confessed to having sold the poison. Witness repeated that the confession was false, because he kept the poisons himself; and he asked that Government sepoys might be sent with him to his house, when he would satisfy them on this point. He did so, but nevertheless he was fined Rs. 5,000. After this Fateh Ali and others were publicly flogged through the city.

Witness II., Borah Fath Ali, states, on solemn affirmation, that about noon on Tuesday, the 18th of March, he went to the Fouzdari on hearing that some Government men were being beaten. He saw one man flogged until he confessed. In order to increase the pain a decoction of salt and chillies was used. About 1 p.m. the Maharaja came there on his return from his mid-day drive, and the Foujdar conversed with him. The man who was being flogged at last confessed that he had bought poison from a Ghanchi boy. Witness after this returned home. At about 4 p.m. the same day his master, himself, and another Goomasta were called to the Foujdari. There was a large concourse of people there. A man who had just been flogged pointed at witness, and said that he had bought poison from him. Witness was told by Balwuntrao Yeshwunt to confess, or that he would be treated in the same way that the others had been. Witness declined to confess, not having sold any poison. His master was then told to induce him to confess, and he desired him to tell the truth. Witness again denied having sold any poison. The Fouzdar Balwuntrao then had his clothes taken off,

and he was bound to a post and severely flogged. At intervals he was desired to confess, and on his refusal the beating was renewed. At last he falsely confessed that he had sold the poison. Witness's master was then called, and he stated it to be impossible that witness could have sold the poison, because he kept it himself. He was made to produce the poison from his house. A statement was then taken down, and witness was told to sign it. He declined, and no signature was at that time taken from him; but he was taken with seven others round the city and flogged in certain streets. During this the accused, Ghanu, died. Witness and others received in all upwards of 100 lashes. All were then taken to jail. Late at night a Karkun came, and forced him to sign a statement which was taken at the Fouzdari. He was heavily ironed on legs, hands, and throat,* and was released on the occasion of the lunar eclipse in November last. After being flogged at the Fouzdari before confession, witness and others were flogged near the palace in the presence of the Maharaja; they were then flogged at the Pani Darvaja and eight other places. This flogging lasted from 5 p.m. till 10 p.m., when witness was released; he was very sick. His father told him that he had received warning that he was not to make any complaint to the Resident. His father, unfortunately, died about a month ago.

* This is very unusual.

8. The above facts are generally corroborated by three other witnesses, and from the publicity of the proceedings at the Fouzdari and elsewhere, many others could no doubt be obtained to give evidence.

9. In addition to the above evidence there is that of Gujabae, sister of the accused Ghanu who was flogged to death. She presented her petition to the Commission on the 22nd of December, two days before their departure, and it was handed over by them to the Resident. Her statement is as follows:—

That her brother Ghanu was arrested on Tuesday, the 18th of March, about mid-day, on suspicion of having been concerned in poisoning one Tatia Powar. She followed Ghanu to the Fouzdari, in front of which he was placed in a wooden frame and severely flogged. A decoction of salt and chillies was applied to the wounds. She was not allowed to go near her brother, so did not hear what was said to him or what he replied. Two or three hours subsequently some Borahs came, and one of them was flogged. In the evening her brother was taken with others through the city and publicly flogged. Owing to his treatment at the Fouzdari he could not walk, and was borne along supported by bamboo sticks. After he had been flogged at three or four places, he died in Bajivada. The body was carried to the jail, and was given to the relatives about 10 p.m. The body was dreadfully lacerated, and the private parts were seriously injured. Ghanu's two houses and that belonging to witness were contiguous. Next day all the three houses and all property therein were attached and everybody turned out of them, and they were made over to Lakshmi, Tatia's sister. Ghanu's two sons, aged eight and four years, are alive, and are utterly destitute. Ghanu's wife is dead. Witness cannot state the value of his property; her own was worth Rs. 1,200. Witness represents that she has committed no crime to deserve the forfeiture, and that she has also lost a pension of Rs. 7 a month, which she used to receive from the Durbar.

Inhuman treatment of the deceased person.

General confiscation of both deceased's and witness's property.

The deceased Tatia lived in her neighbourhood, and none of the neighbours suspected that he had died from the effects of poison.

10. It is submitted that these statements supply the information which was required to throw light on the Fouzdar's proceedings, viz., that in the interval between the denial of the crime and confession of it by the accused persons, Daji, Ghanu, and Vithoba, they were flogged in order to make them confess that they were concerned in the alleged crime of poisoning Tatia Powar, whereas there is reason to believe that no crime was committed, Tatia Powar having died from the effects of his own intemperance.

11. Upon this point, in paragraphs 9 and 10 of the original report which the Resident made to Government, No. 1, dated 25th March 1873, the Maharajah is stated to have said as follows:—

"That a few days ago a confidential body-servant of his own, whose particular occupation it was to prepare his food, and provide him with drinking-water, &c., had died suddenly after an hour or two's illness. That he felt very much startled and shocked at this, in consequence of the man's relation to himself as a confidential servant, and he even began to doubt whether it was not the commencement of some 'fitur fusad' (these were the words used) against himself, and consequently that he set his best men to make inquiries, sifting the matter generally, and ascertaining the cause of death, which, if caused by poison, was to lead to the most strenuous efforts being put forth to discover the murderers. The result of his inquiry was that eight men, some of whom belonged to his own household, were apprehended, and shortly after confessed their crime in having mixed arsenic with the food of the deceased.

"10. His Highness was at first advised to hang them all, but this he said he declined to do, as he wished to see what information could be obtained from them in regard to their object, &c., &c."

12. It will be noticed as a most material circumstance that neither did the Maharajah in his original account to the Resident, nor did the complainant Lakshmi in her deposition before the Sir Fouzdar, make any allusion whatever to the fact that the deceased Tatia was said to have made to his sister a dying declaration to the effect that he had been poisoned by Daji Kamati.

13. These circumstances go to confirm the evidence of the Borah Nurudin, and of the accused Ghanu's sister, to the effect that at first no suspicion was entertained that Tatia Powar had been poisoned. It will be also remembered that the chief accused, Daji Kamati, at his first examination on Monday, March 17th, denied all knowledge of the alleged crime, and gave what appears to be a very probable explanation of the cause of the deceased's death, and it is only in his second statement after the flogging scenes in front of the Fouzdari, of which we have recorded evidence, that Daji was induced to criminate himself and several others; and it is upon such evidence, and such alone, that the whole case rests as submitted by the Durbar.

14. In conclusion, the Resident would submit that, following so closely as this case did upon the suspicious deaths in prison of Raoji Master, Ghanu Wagh, Malharba Shelki, Govindji Naik, and Bhow Scindia, the orders of Government conveyed in their letter, No. 1 T, dated April 23rd, 1873, were, under the circumstances, not only natural, but absolutely necessary in the interests of humanity and justice.

15. These orders were duly communicated to the Durbar, and information was called for on certain points named by Government. Six months elapsed before any reply was received, and then only after a reminder. That reply not being considered satisfactory by Government, the Resident received orders to bring the case before the Commission, in pursuance of which instructions he applied to the Durbar for the proceedings in the case.

16. These, though repeatedly asked for, were not given until the case was actually called on before the Commission, and then the Resident had neither time nor opportunity to examine them, and they were returned to the Durbar after the Commission had done with them.

17. It is, however, important to note that the Sir Fouzdar, consistently with the actions maintained by the Durbar throughout the whole case since last April, refused, when called upon by the Commission, to give any explanation regarding them beyond the curt one recorded.

18. Thus from first to last the reasonable requests of the Bombay Government, the Resident, and the Commission have been systematically resisted by the Durbar in this case.

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EVIDENCE in the Flogging Case produced by the SIR FOUJDAR before the COMMISSION on the 17th and 18th December 1873.

| *Durbar Statement.* | *Remarks by Resident.* |
|---|---|
| Précis of the Vernacular (Marathi and Guzerathi) papers of evidence recorded in Criminal Case No. 102, of 1873. | |
| 1. Complaint on solemn affirmation submitted before Balwuntrao Yeshwunt by one LAKSHMI, widow of Jotiba Katkar, dated Falgun vad 4th, Samvat 1929, representing that her brother Tatiaba Powar was murdered by Daji Kamati, who administered to him poison in a diet called "shrikhand," and that in support of this charge there were three witnesses, Eshvanta bin Bapuji, Raghu bin Bajirao, and Vithu bin Babaji. She begs that inquiries may be instituted into the matter, and the offender brought to punishment. | It will be observed that one Lakshmi, sister of the deceased, is said to have complained on Tuesday, the 18th March last, that one Daji Kamati had poisoned her brother Tatia. In support of her statement, she is stated to have called the three witnesses named. It will be observed that the witness first named, Eshvanta bin Bapuji, has never been examined at all, and that the two other persons who are alleged to have been named as witnesses were examined not as witnesses but as accused persons. In support therefore of the complainant's alleged statement, there does not appear to have been any evidence recorded whatever, except the alleged statements of accused persons. The Resident has never been furnished with a copy of the original complaint, and from the statements of the two persons named by her, he utterly disbelieves the truth of the original complaint, because what is here stated materially conflicts with the Durbar's explanation given in their yad, No. 2145, of October 9th, 1873, in which the deceased himself is said to have told his sister Lakshmi that Daji had poisoned him; and had thus himself initiated the inquiry. In the present proceedings these very important allegations nowhere appear in evidence, though they are actually used as established facts by the Sir Fouzdar in his finding as one of the grounds for his judgment. This fact of itself, independently of certain other false statements made by this official, prove, it is submitted, how utterly unreliable the whole of the Sir Fouzdar's proceedings are. |
| 2. Statement of accused, No. 1, DAJIBA BIN HARI POWAR, taken before Balwuntrao Yeshwunt, but does not bear that officer's sig- | It will be observed that this deposition purports to have been taken on Falgun vad 4th, Monday, and that the deponent speaks of |

*Durbar Statement.*

nature, is dated Falgun vud 4th, Monday, Samvat 1929, in which he deposes that the deceased Tatiaba Powar had directed him yesterday to prepare "shrikhand" for him, which he prepared that day at about 3 p.m. and put it in a vessel, the mouth of which was closed by him, the room in which it was kept being closed. When he returned that evening to the palace Tatiaba informed him that he was hungry, and that he therefore placed the "shrikhand" before him; meanwhile his food was brought in a plate by one Eshvantrao Kamati, and Tatiaba sat down to eat. That he placed before him the "shrikhand," about three-quarters of a seer in weight, the whole of which was eaten by him. At about midnight Tatiaba began to purge and vomit, and about five next morning he was taken to his house by his sister Lakshmibai. Meantime news were received that Tatiaba had died. He is ignorant of the cause of his death. He did not put any poison in the "shrikhand," nor was he instigated by others to do so. He saw Tatiaba some time after his meal, and he was purging and vomiting. He complained of a burning sensation in his body. The "shrikhand" was prepared by him alone, and nobody was present at the time. Tatiaba was all right before he took his meal.

Further statement of the accused, No. 1, Dajiba, taken before Balwuntrao Yeshwunt, but does not bear that officer's signature. It bears the same date, but, instead of Monday, Tuesday is written there. The accused states as follows:—On the night of Sunday last, the "shrikhand" which he had given Tatiaba to eat was mixed by him with white powder of arsenic. This arsenic was brought to him by the accused Lakshman More and Ganu Devre from the shop of accused Fatteh Ali, and was about half a tola in weight. Accused Vithu Kamati and Narayen Wanjara are also accomplices in this act. The reason of Tatiaba's being poisoned was that accused Raghu Savat, some four days back, said, if Tatiaba were poisoned to death, he would get his place, and thereby be able to provide all with employment in Government. Being thus instigated, he, together with others, did this act. The accused Raghu Savat was served with the "shrikhand," but he did not eat it, as he knew it had poison in it. The arsenic was not brought from a Bania's shop.

3. Statement of accused, No. 2, GANU BIN DHONDIBA MORE, taken before Balwuntrao Yeshwunt, but does not bear that officer's signature. It is dated Falgun vad 4th, Tuesday, Sumvat 1929. The accused Ganu denies having any knowledge of the cause of the death of Tatiaba Powar, but he simply heard, as he lives near him, that he died on Monday last. As his (accused Ganu's) mother died at that time, he was embarrassed in her affairs, and therefore he knew nothing of that matter. He does not know who prepared the "shrikhand," and whether any poisonous substance was put in it. He knows nothing about that affair.

Further statement of the same accused, taken the same day, but does not bear the signature of Balwuntrao Yeshwunt. The accused states:—

*Remarks by Resident.*

having prepared the poisoned food yesterday or the day previously, *i.e.*, Sunday. When it is stated that Falgun vad 4th, Tuesday, and not Monday, the incorrect statement regarding the day on which the poisoned food was prepared becomes very material. It is inconceivable that so important a discrepancy could possibly have occurred by accident. It will be noticed that this accused appears to have made two statements bearing the same date, but the day of the week being differently given. In the first statement made by the accused person he denies all knowledge of the alleged crime. In the further statement, for no reason that is apparent on the face of the proceedings, he gives what purports to be a detailed confession of the alleged crime. It is respectfully submitted that it is a point of extreme importance to ascertain what actually occurred in the interval between these two examinations, because it is contrary to reason to suppose that, without some cause or other, which does not appear on the face of the proceedings, any accused person will suddenly repudiate his previous denial and voluntarily criminate himself in a matter of life and death, and it was to supply information on such points as this that a statement of the Sir Fouzdar was absolutely necessary. The Commission were "indeed "assured in general terms that these pro-"ceedings contain full particulars of the "trial, and all information as to what took "place at the trial which was held before "him" (the Sir Fouzdar), yet it will be seen that in this and every other instance quoted below, in which the alleged confession is made, the proceedings fail to explain the sudden transition from positive denial of all knowledge of the crime to the most complete crimination of themselves, and of all whom the Durbar thought fit to arraign in connexion with the case. It will be seen that in the alleged confession of this accused person the names of his alleged accomplices are for the first time introduced; no information whatever having been previously submitted regarding them. No suspicion regarding any of these persons has even been mentioned in Lakshmi's complaint, which accused Dajiba only.

This is the man who was flogged to death. The only information against him, already recorded in the Fouzdar's proceedings, is the alleged confession of the accused Daji. It will be observed that Ganu first denied all knowledge of the alleged crime, and afterwards, as Daji had done, gave what purports to be detailed confession of the said crime. It is also significant that this accused was recalled twice on the day when his examination was taken, and that on each occasion he is induced to give the names of fresh accomplices. His alleged confession, moreover, though purporting to relate the same facts as were stated by accused Daji, does not tally with Daji's statement. Daji states that the arsenic was brought to him by Ganu; Ganu states that Daji himself gave him the arsenic.

| *Durbar Statement.* | *Remarks by Resident.* |
|---|---|
| * The above statement is not true, but what he states now is true. He did not bring the arsenic himself, but it was given him by accused Dajiba Kamati to be kept with him and given him back when required. He gave it back to him at about 9 o'clock, when he (Dajiba) returned from his house. He was aware of the evil intention of the accused Raghu Savat, Dajiba, and Vithu to make Tatiaba swallow the poison in curds, and thereby to kill him. On Sunday following, the accused Dajiba mixed the powder of arsenic in the "shrikhand" prepared by him, and it was eaten by Tatiaba. The reason of doing this was that the accused Raghu Savat wished to deprive Tatiaba of his place. All this intrigue he was aware of. | * Nearly every man uses this language after his first statement. |
| Further statement of the same accused, taken the same day, but does not bear the signature of Balwuntrao Yeshwunt. The accused states:—It was he and accused Daji who brought the powder of arsenic from the accused Fatteh Ali, Goomasta of Nurudin Borah, under the pretext that it was required for medicinal purposes. | No explanation when it was purchased. |
| 4. Statement of accused, No. 3, VITHUBA BIN BABAJI NIKAM, taken before Balvantrao Eshvant, but does not bear his signature. It is dated Falgun vad 4th, Tuesday, Samvat 1929. The accused states:—He is not aware of the cause of Tatiaba's death. He only knew yesterday (Monday) that Tatiaba had died. He knows nothing about the preparation of the shrikhand, or whether any poison was administered to Tatiaba. | As in the previous cases, the accused person, after giving a complete denial of the alleged crime, appear, suddenly, for no assignable reason, to have made a detailed confession. It will be observed that this accused person had been called by the complainant Lakshmi as a witness, but was never examined as such; he appears, however, to have been arrested on the statement of Daji, and after first denying all knowledge of the crime, after two separate intervals (during which something must have happened which the Sir Fouzdar ought to have explained) he was induced to criminate not only himself, but also the other accused persons except the Ghanchi boy, No. 8. |
| Further statement of the same accused, taken before the same officer the same day, but does not bear his signature. The above statement is not true, but what he now states is true. Some four or five days ago the accused Dajiba Kamati, Ganu Savat, and Lakshman were sitting on a terrace and thought of poisoning Tatiaba. Accordingly on Sunday last accused Dajiba prepared the "shrikhand," and mixed with it powder of arsenic. Dajiba gave this to Tatiaba to eat, and the latter ate it. He is not aware from what place Dajiba brought the arsenic. The reason of doing all this was that Dajiba expected to get Tatiaba's place, and Daji also mentioned that even if the accused Raghu got Tatiaba's place, he (accused Vithoba) would be provided with a situation. | |
| Further statement of the same accused, taken the same day, but does not bear the signature of Balwuntrao Yeshwunt. The accused says he did not go with accused Daji to bring arsenic. Accused Daji and Ganu are the persons who brought it from the Government Borah's shop. This fact was told him by them; he replied that they had done right. He did not tell all this before, because he was told by accused Raghu and Ganu not to divulge the secret even if he were beaten. | |
| 5. Statement of the accused, No. 4, RAGHU BIN BAJI SAVAT, taken before Balwuntrao Yeshwunt, but does not bear his signature. It is dated Falgun vad 4th, Tuesday, Svt. 1929. The accused says:—On the night of the Falgun vad 2nd, Sunday, Svt. 1929, Tatiaba | This person was called by complainant Lakshmi as a witness, but he was never examined as such; he appears, however, to have been arrested on the information of Daji, and to have been placed on his trial. It appears from the statements of Daji, Ganu, and Vithoba, |

| *Durbar Statement.* | *Remarks by Resident.* |
|---|---|
| Powar was all right. At about 8 p.m. Tatia and himself sat down to eat. Both were served with "shrikhand." Tatiaba ate it, but he, Raghu, could not eat it, as he had a pain in his stomach. It is a fact that after some time, about 12 o'clock p.m., Tatiaba began purging and vomiting, and that he died on the morning of Monday following. He did not tell Lakshman More and Ganu Devre to bring arsenic, nor does he know whether or not accused Dajiba had put any poison in the "shrikhand." He and Dajiba Kamati are at variance with each other. He did not see the accused Dajiba preparing the "shrikhand," and does not know when it was prepared by him. | that Raghu was the principal who instigated the commission of the alleged crime, in order to obtain the deceased's place. The accused himself denies all knowledge of the crime, and there is no evidence whatever against him, except what purports to be the confessions of the three accused persons before mentioned. |
| 6. Statement of accused, No. 5, NARAYEN BIN SHIVBA WANJARA, taken before Balwuntrao Yeshwunt, but does not bear that officer's signature. It is dated Falgun vad 4th, Tuesday, Samvat 1929. The accused pleads ignorance of the cause of the death of Tatiaba, and denies everything as regards the above related affair. | The only evidence against this accused is the statement of Daji, who merely cites him as an accomplice, without showing in what way, or for what reasons, &c.<br>In the Sir Fouzdar's finding it is stated that evidence against this accused was given by accused Ganu and Vithoba (exhibits Nos. 3 and 4). This statement is false. The more this case is looked into, the more abundantly will it appear why the Sir Fouzdar declined to enter into detailed explanation before the Commission. |
| 7. Statement of LAKSHMAN BIN PANDOBA, accused, No. 6, taken before Balwuntrao Yeshwunt, but does not bear that officer's signature. It is dated Falgun vad 4th, Tuesday, Samvat 1929. The accused states:—He does not know of the sickness and cause of Tatiaba's death, but was simply informed, on arrival at the palace, that Tatiaba had expired. He is not aware whether or not Tatiaba ate "shrikhand," and does not know by whom it was prepared. There was no consultation between accused Raghu and himself about any affair, and he was not concerned in bringing any arsenic. He does not know anything about it. He has no enmity against the accused Daji. | Denies all knowledge whatever of the transaction, and there is nothing against him except Daji's statement, that he brought the poison from the Borah's shop to him. The statement, however, is flatly contradicted by the Borah boy, Fatteh Ali.<br>In the Sir Fouzdar's finding, evidence is said to have been given against this accused by Ganu. This statement is false, yet the man was unmercifully flogged at seven different places with 12 stripes, and condemned with the rest to imprisonment for life. |
| 8. Statement of FATTEH ALI AMINUDIN, accused, No. 7:—I am a Goomasta (servant) of the Government Borah, Nurudin Miakhan. The day before yesterday, Falgun vad 2nd, Sunday, Government Kamati Daji and Ganu, who are now present, came early in the morning to my shop and asked for arsenic for the purpose of killing rats; consequently I brought and gave, without weighing, half a tola of the poison, which was in a tin box in my master's house. No record was kept, and no price was taken, but it was given without payment. The tin box which contains the arsenic in my master's house is produced by me. Falgun vad 4th, Tuesday, Samvat 1929.<br>Before me.<br>(No signature.) | This accused person is said to have acknowledged that on Sunday, the 2nd of $\frac{\text{Falgun}}{\text{March}}$ last, Daji and Ganu came to his shop and asked for arsenic for killing rats, which he brought from his master's house and gave to them. This alleged admission of the boy has been made use of by the Sir Fouzdar in his finding as amounting to a plea of guilty to the charge of abetting wilful murder. Even if the boy gave the arsenic, as alleged, for killing rats, it does not prove that he was in any way implicated in the alleged crime of poisoning, of which no one has even accused him except the Fouzdar. His sentence, therefore, of an unmerciful flogging through the city and imprisonment for life, appears, on the Durbar's own showing, to be utterly unjustifiable. Moreover, according to section 45 of the Criminal Code of the Gaekwar's State, any person selling arsenic without the permission of Government, shall, on conviction, be liable to imprisonment up to three months, or to a fine of Rs. 20, or both; whereas not only has this boy been punished as above described, but his master also, Nurudin Miakhan, was fined Rs. 5,000 by the Maharajah for the supposed crime of leaving |

*Durbar Statement.*

Statement of the Ghanchi boy RANCHOD DEVJI, accused, No. 8:—I have never sold arsenic to Daji bin Hari, a Kamati, who is now present. My master, Narayen Dwarkdas, sells arsenic at his shop, but he does not sell it to anybody without a permit from the Government.

*Question.*—Daji Kamati says that you have given him the arsenic. How do you explain this?

*Answer.*—I have sold no arsenic.

Before me.

(No signature.)

Falgun vad 4th, Samvat 1929.

*Remarks by Resident.*

his arsenic so as to be accessible to his Goomasta.

This boy's uncle has been a complainant regarding his treatment since September last; *vide* accompaniment to report to Government of 27th October last. He was first flogged till he confessed at the Fouzdar's Police Court opposite the palace, and after that he was flogged with the others at 11 places, between 5 p.m. and 11 p.m. on the 18th March, and got upwards of 100 lashes in all, for no fault whatever!!!

This accused person appears to have been questioned regarding his supposed share in the alleged crime by selling poison. He has distinctly denied the sale of any arsenic; no one has deposed that he ever did so; nor is he implicated by any of the accused persons. Notwithstanding this fact, the Sir Fouzdar, Balwuntrao Yeshwunt, has falsely stated in his decision, which he produced as evidence and verified before the Commission, that Daji bin Hari Powar had directly implicated him by proving the purchase of arsenic from his (Ranchod's) shop. On referring, however, to Daji's statement, no allusion whatever is made to Ghanchi Ranchod, who thus appears to have been most unjustly convicted by the Sir Fouzdar, Balwuntrao Yeshwunt, without any evidence against him whatever, to have been flogged through the streets of the city, and to have been imprisoned for life for no crime whatever, as is proved by the proceedings themselves.

It is significant that this youth was suddenly liberated last September, immediately after the receipt, by the Durbar, of the Resident's letter, calling upon the Maharajah to reply to the Bombay Government questions regarding this case, which had been put to them so far back as April last. It may also be added that this boy's name was not even mentioned in Durbar yad, No. 2645, dated 9th of October last, copy of which was submitted to the Bombay Government with Resident's letter, No. $\frac{209}{967}$, dated 27th of October last.

The following remarks are applicable to the finding of the Sir Fouzdar, which has been recorded in this case.

It would appear from this finding, that the eight persons charged were simultaneously tried by the Sir Fouzdar on Tuesday, the 18th of March last, for administering poison to Tatia Powar. It is a most significant fact that the complaint of Lakshmi was only recorded on the very day that eight persons were tried, convicted, and punished, and that the complainant himself has implicated one person only, namely Daji Kamati, instead of eight as finally charged and convicted. An examination of the different statements said to have been recorded by these eight accused persons, at different intervals during the eventful 18th of March, shows how the original complaint against Daji Kamati was magnified, so as to include no less than seven other persons. It has been shown that all of these eight persons at first emphatically denied all knowledge of the alleged crime, but that three of them, namely, Daji, Ganu, and Vithoba, were subsequently, by some means or other not apparent on the face of the proceedings, but of which the Resident is prepared to adduce evidence, induced to make a full confession. It has been already pointed out that, in the case of accused No. 8, Ghanchi Ranchod, the Sir Fouzdar has deliberately cited as evidence against him the allegations by Daji, which were never in fact made, and that on the strength of this misrepresentation has not hesitated to inflict on this accused a cruel and unmerited punishment.

CASE No. 40.

1. VITHABAE, wife of Kondaya, Mahratha, 18 years, labourer of Baroda, states:—Last Shravan (August) I was taken from my house to serve in the Havelee, Gaekwar's palace, under the following circumstances. One morning, about 7 or 8 a.m., my husband having gone out, and I being alone in the house, three persons—one Ghanu, a Government sepoy, a Gosai whose name I do not know, and an old man likewise unknown—came to my house and said I was to go to the Palace by order of the Sarkar. I refused to go, stating that I was in my monthly courses. I resisted and begged to be let off, but they seized me, and made me accompany them on foot through the streets. There were many people in the streets, but I did not cry out for help. What was the good? What could they do against the Maharaj? On arrival at the palace I was taken before the Maharaj, who, having inspected me, approved of me and gave orders that I should be taken to his mistress, Lakshmibae, as a servant "Loundi." I was kept there for seven or eight days, when I was released, my husband having made a complaint to some sahib in the camp. During the time I was in the palace I was not insulted or injured. There were sepoys on guard at Lakshmibae's apartments, and I was not allowed to go out without being followed by one of them. When I first went there, there were already some 10 or 12 other women "Loundis" there, and after I arrived about 10 or 12 more were brought thither. On my lease some five or six women were also let go. I remember Radha, Reva, Gaja, and Bhagirathi amongst them. No compensation was given to me for being thus seized. I made no petition to be allowed to go home, nor did I cry out before the Maharaj. The whole thing was done so hurriedly, that I had no time to call out. I was just looked at, approved of, and sent off to Lakshmibae. The other women in the service of Lakshmibae told me they had been seized and carried off in the same way as I had been.

The Durbar agents have no questions to put, and state that they will make one general reply on the subject.

Recalled. I identify the man Ghanu now produced as the sepoy who seized me.

GANPATRAO VITHOBA, Mahratha, 30 years, government Halkari (sepoy), Baroda, states:—I know the woman Vithabae now present. I seized her about 3¾ months ago in her own house. There were with me Kasiram and Lakshman, both peons of the Senapati. It was about 10 a.m. I did this by the order of Govindrao, one of the Senaputty's Karkuns, and one Damodhar, a private servant of the Maharaj Mulharrao. When I had seized her I took her to the palace. The Maharaj asked her if she was willing to stay there, but she said she was not. The Maharaj then ordered her to be kept, and I handed her over to Wussantram Bhow. The woman resisted her seizure, and declined to come with us, but we took her nevertheless. I have taken 8 or 10 other women who had no guardians, but who consented to go as servants to the palace. I have taken no woman against her will except this one. I understood that this woman was taken to be a servant in the Palace.

The Durbar decline to cross-examine.

2. UJAM, wife of Partap, 20 years, Barot of Baroda, states:—Last Shravan (August) being at my father's house on account of my being in my monthly courses, I was seized by Government sepoys in the following manner:—One day, about 10 a.m., three sepoys, having first been to my husband's house and failed to find me there came to my father's house, and called for me, stating they had orders from the Maharaj to take me to the palace. They gave no explanation as to the reason of my being taken. My parents were in the house, as were many of my caste people, and they murmured loudly about my capture, saying it was contrary to law and custom thus to seize one of their caste. The sepoys would not listen to what they said, and, in spite of our remonstrances, they took me to the palace, followed by my father and mother. In front of the Palace, my father persuaded them to let me go by a promise of Rs. 60. They accompanied me home, and released me on payment of the Rs. 60. I do not know the names of the sepoys, nor should I recognise them if I were to see them.

*Cross-examined by Gaekwar's agent.*—Neither I nor my father complained to the Maharaj about the bribe of Rs. 60 to the sepoys. I know they were Government sepoys because they said they were at the time of seizing me.

BAPU JETHU, barot, 45 years, hereditary genealogist of Baroda, states:—The woman Ujam is my daughter. I was present in my house when she was seized by three Government sepoys. It was about 10 a.m. one day in last Shravan (August). What resistance could I make to the sepoys taking her away? They took her to the Palace, and there, in front of it, I persuaded them by an offer of Rs. 60 to let her go. They accompanied us home, and I paid them the money. My daughter being in her monthly courses had come to live at my house temporarily. I have made no complaint to the Maharaj about this. They sepoys had come from him. To whom or how could I make a complaint? I do not know the sepoys, nor should I recognise them if I saw them.

*Cross-examined by Gaekwar's agent.*—I made my complaint to the Resident about this matter yesterday. I did not know till then that the Resident was taking complaints. I only heard it from general rumour.

3. CHANDRA BHAGA, Mahratta, 22 years, labourer of Baroda, states:—I live in the house of my mother. My mother is a servant in the house of one Ganpatrao. About 2½ months before the Dussera, I was one day weighing flour in Ganpatrao's house, about six in the morning, when some five or six Government sepoys, accompanied by two Karkuns, came there, and, in spite of my resistance, my mother's cries and remonstrances, they took me to the Maharaj Mulharrao in the Palace. The Karkuns of the Maharaj said I had been brought to be

made a servant of. The Maharaj said very good, take her to the queen, and I was thereupon taken to Malsabae, the queen, in whose service I remained two and a half months. My service consisted in washing and bathing her, fanning her, and such like occupations. I was not treated with any particular care. I was allowed to eat my bread, but I had no bed to sleep on. The queen did not illtreat me. She once saw me crying, and asked me the reason, when I told her I did not wish to be a servant in the palace. There were some 25 others there, old Loundis, but I was the only new one. The queen did nothing in consequence of my crying. I was released three days after the Dussera. I got no pay for my services. I have now gone back to my mother. I have had no compensation of any sort made to me. I left two or three saris in the Palace which were given to me by the Rani. I have now no complaint to make. I was released on reports made to the Resident. No one else was released with me. I was taken by a police peon to the Fouzdari, and there asked whether it was my wish to go to my mother, and on saying that it was I was permitted to go.

Kasi, mother of Chandra. I have heard the statement made by my daughter. It is true. She was apprehended in my presence and taken to the Palace, where she was kept for two and a half months. I petitioned the Resident, and at his instance my daughter was released.

The Durbar reserve cross-examination.

Chandra Bhaga, cross-examined by Durbar agents, states:—I am not willing to go and live with my husband. He has turned me off for the last 16 or 17 years, and since then I have not lived with him. I do not know whether he has ever petitioned the Durbar to restore me to him. No deed of divorce was given to me when my husband threw me off.

Reply of the Durbar.

Females were never seized to be made Loundis of by the Durbar. Ghanu Halkara had orders to find out such only as were willing to enter the service. Such of those he brought as were unwilling to serve were sent away.

With regard to Vithabae's case.—The assertion by Ghanu that His Highness ordered this woman to be detained against her wish is false.

With regard to Ujam.—No complaint having been made to the Durbar as to who brought her under arrest, and who extorted money from her, nothing is known of her case by the Durbar officials. If a complaint had been preferred an inquiry would have been made.

With reference to Chandra Bhaja.—Her husband having made a petition for restitution of conjugal rights, and Chandra Bhaga having refused to live with him, she was at his request detained in the Palace by the Senaputty, to induce her to go back to her husband's house and nowhere else. She was released at the Resident's request. The husband's complaint remains undisposed of, and will have to be inquired into.

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No. 1096 to 1873.

To the President of the Baroda Commission.

Sir, Baroda, 8th December 1873.

I have the honour to acknowledge the receipt of your letter No. 24, dated 2nd instant, regarding the seizure of women in the city of Baroda to serve as Loundis, and in reply have the honour to forward for perusal,—

1st. The original petition of the Soni whose wife, Suraj, was taken to serve as a Loundi, as well as his statement taken on the 5th instant, and to state that the Soni and his wife are at present in Baroda.

2nd. The original petition of Malsabae of Rampur, in Indore territory. This woman and her daughter have left Baroda for their home.

3rd. The statement of Kondaji's wife, Vithabae. She is present.

4th. The statement of Balvantrao Ramaji, Brahman, a Karkun in the Residency, is also submitted. This matter has been so far settled that the girl has been received back by her husband, and she fears being excommunicated from caste if she comes forward now to reopen the case. In fact, as before stated by me, it was never anticipated that any of these cases would be brought before a Commission, or indeed any tribunal so constituted, and therefore when the object sought for was obtained by the liberation of each person, the case was looked upon as practically settled, though it was reported to Government for such notice as might be deemed necessary with a view to prevent the continuance of the practice.

In addition to the above four cases, the following are recorded :—

5th. Petition from a girl named Ganga who was released, present residence unknown.

6th. Petition and statement of Kashi, the mother of Chandra Bhaga, and the statement of the latter. Both of these are present.

7th. The petition of Jagoba Jagtap, a relative of His Highness the Gaekwar, is submitted, and, if necessary, the Sardar himself would attend; but I spoke to His Highness regarding this man at the time of the occurrence, and the case may be considered as settled.

8th. Statement of Saku, wife of Ghanu Vithoba, one of the persons employed by the Durbar to seize women as Loundis. He and two others broke into the house of a Junaghar woman of respectability who was staying in Baroda a month or two since. She complained of having been plundered of a good deal of property; a man servant was fortunately in the house, or she would have been carried off. She was compensated by Rs. 600 or thereabouts for her losses, and left Baroda to return to Kattiawar. Ghanu and one or two others who were employed on this duty

were punished by imprisonment at my request as stated by Saku, and they are still in jail. Ghanu could of course give valuable evidence if he chose.

9th. Statement of Jamna, wife of Shivlal Ganpatram, Brahman. This girl does not like to repeat this statement before the Commission from fear of being excommunicated from caste.

10th. Statement of Raju, daughter of Bapuji Vanjara.

In addition to the above, about 26 persons in a humble sphere of life (as per list given in the compilation) would probably state their cases at the Residency if accompanied by their friends; but, before taking further steps in this matter, I would deferentially submit, for the consideration of the Commission, whether, in order to avoid the disgrace and scandal that must be entailed by publicly recording evidence in this class of cases, the Commission might not in the first instance call on the Durbar generally for their reply to the statement made in the Schedule, option being left to the Resident to call evidence if required to rebut statements made by the Durbar.

The Durbar might be required to answer the following questions:—

1. Under what circumstances were the women who have been released at the Resident's intercession seized and made Loundis?

2. Is it a fact that there are between 400 and 500 Loundis altogether in employ in the Gaekwar's family in Baroda at the present moment?

3. In Durbar yad, No. 1728, dated 22nd August last, it was denied that women were seized to serve as Loundis against their will; how then can that denial be reconciled with the case of Kashibae's daughter, Chandra Bhaga, and all the other cases which occurred before and after the 22nd August last?

I have, &c.,
(Signed) R. PHAYRE, Colonel,
Resident.

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## FINAL STATEMENT BY THE RESIDENT.

Baroda, 2nd January 1874.

IN consequence of the Durbar having stated in their reply to the evidence on the subject of seizing women in Baroda, recorded by the Commission on the 22nd ultimo, that "females" were seized to be made "Loundis" by the Durbar, that Ganu Halkara* had orders to find out such only as were willing to enter the service, and that such of those he brought as were unwilling to serve were sent away, it becomes necessary to recapitulate the whole of the evidence on record, in addition to that taken by the Commission, in order to refute so unscrupulous and untenable a statement.

* The Government peon employed for the work.

The first report regarding this system was made in para. 14 of my letter No. $\frac{144}{756}$, dated 18th of August last, and accompanying letter to His Highness the Gaekwar, and deposition of the Residency Karkun Balvantrao Ramaji.

*1st Case.*—In that letter I showed His Highness that the wife of a Soni had been carried off by two of his own favourite followers, and that on the husband applying to him (the Maharaja) for his wife to be restored to him, His Highness himself declined to accede to his request, and sent her to serve as a Loundi. His Highness attempted to justify this act in his yad of the 22nd of August last on the plea that the woman said she had lost her caste, did not wish to return to her husband, and that, were she forcibly made over to him, she would commit suicide. Eventually the woman was restored to her husband, together with compensation for her jewels, which had been stolen by the Maharaja's followers; and she is now living happily with her husband, in spite of the Durbar's assertions regarding suicide, &c.

Thus, in the first case reported by me to Government, an equitable arrangement has been made, whereas very different results might have occurred had the Maharaja persisted in depriving the Soni of his wife and 600 rupees' worth of jewels merely to make her a Loundi.

*2nd Case.*—The next case reported to the Maharaja was that of the daughter of a woman named Malsabae, the wife of a Jaghirdar in the territory of His Highness Holkar, who was reported to the Resident as having been seized by Government sepoys and carried off to the palace, that she had threatened to commit suicide rather than become a Loundi, and that in consequence she had been frequently flogged. The reply which His Highness gave to this case in yad dated 22nd of August is merely as follows:—

"It appeared on inquiry on receipt of your yad that Malsabae's daughter is not willing to serve, and she has been immediately allowed to go."

It will be observed that no notice is taken by the Durbar of the forcible abduction or the flogging, though the forcible detention is acknowledged and remedied, not spontaneously, but on the Resident's intervention; yet in the presence of the Commission the deliberate statement is made by the Durbar that females are never seized to be made Loundis of by them; and that any unwilling to serve are immediately let go.

This woman Malsabae and her daughter had returned to their own country before the Commission arrived at Baroda, therefore they were not available for examination.

*3rd Case.*—The 3rd case reported was that of a girl named Vithabae, the wife of Kondaji, who was seized by Government sepoys in her own house during the absence of her husband, and was carried off to the palace to be made a Loundi. The reply which His Highness gave about this case of clearly forcible abduction, in the yad of the 22nd of August last, was the same as that given above about Malsaba's daughter, viz., that it appeared after inquiry, on receipt of the Residency yad, that the girl was not willing to serve, and therefore she had been released.

This girl subsequently gave her evidence before the Commission on the 10th of December, and clearly showed that she was taken against her will to the Palace and brought before the Maharaja himself, who "having inspected me, approved of me, and gave orders that I should be taken to his mistress Lakshmibae as a Loundi * *. There were sepoys on guard at Lakshmibae's apartments, and I was not allowed to go out without being followed by one of them. When I first went there, there were already some 10 or 12 women, Loundis, there; and after I arrived some 10 or 12 more were brought thither. On my release some five or six women were also let go * *. The other women in the service of Lakshmibae told me they had been seized and carried off in the same way as I had been." This girl recognized the Government sepoy Ganu before the Commission as the man who seized her, and Ganu himself verified her statement.—Vide his evidence, Case 40, Schedule II.

Evidence before Commission.

Thus in this instance also it is submitted that forcible abduction and forced service as loundis was in operation under the direct orders and action of the Maharaja himself, yet the Durbar have unscrupulously denied before the Commission that females were ever seized to be made Loundis of, and the untrue assertion has been made that those not willing to serve are allowed to go at once.

*4th Case.*—On the 25th of August I received a petition from a girl named Bae Ganga, who complained that she had been seized by the Sarkar and sent as a Loundi to Lakshmibae. She said "I have never before served as a Loundi, yet I did such work as I was able, and refused to do what I could not. I was therefore flogged. When I was suffering this misery Ganoba Barkare, the Kamdar of the above Bae, told me that if I paid him Rupees 50 he would get me released. I therefore paid him Rs. 25, and promised to pay the rest as soon as I was set free. He demanded security from me that I would not leave Baroda; to this also I agreed and gave Anaji Raoji as my security; even after this I was not released, but was compelled to give a written agreement stating that I had become a Loundi voluntarily. I have therefore escaped and come to you with this complaint."

Flogging of women.

This girl turned out on inquiry to be the daughter of an old pensioned non-commissioned officer of sappers. She obtained my protection, and has, I believe, returned to her native place in the Deccan; otherwise she would have appeared before the Commission to corroborate her statement.

*5th Case.*—It has been already explained to the Commission, in my letter No. 1008 of the 8th of December, that the Residency Karkun's sister having been received back by her husband, and the case already disposed of, she was unwilling to come forward to reopen the case.

*6th Case.*—Chandra Bhaga and her mother Kasi gave their evidence before the Commission on the 10th of December, when the former showed clearly how she was seized by Government sepoys, and in spite of resistance, cries, and remonstrances, was carried off to His Highness Maharaj Mulharrao, who personally ordered her to be taken to the Rani as a Loundi, where she was detained against her will for 2½ months, and was at length released on the intervention of the Resident

With regard to the case of this girl, the Durbar attempted to make out, in their reply to the Commission, that she was seized at her husband's request, and detained in the Palace by the Senaputty to induce her to go back to her husband's house and nowhere else. This reply was given on the 22nd of December.

Apparent false statement by Durbar before the Commission.

In consequence of this statement of the Durbar it is necessary to examine the facts of this case of Chandra Bhaga, as reported to Government in my letter No. $\frac{190}{906}$, dated 4th of October last, because the Durbar at the time treated it precisely as they had done those of Malsabae and others above quoted, and said nothing whatever about Chandra Bhaga having been seized on behalf of her husband; consequently both the account given in Durbar yad No. 2029 of 26th of September last, regarding this girl, and the statement made by the Durbar before the Commission concerning her, cannot be true.

Her case as presented to Government in October is as follows:—

On the 18th of September, notwithstanding all that had taken place with the Durbar regarding Loundis about a month previously, I received a petition from Kasi, the mother of Chandra Bhaga, stating that her daughter had been described to the Maharaj as good-looking and fit to be a Loundi, whereupon some Government sepoys came to one Ganpatrao's house, where she was at work, and forcibly carried off her daughter to be made a Loundi.

I forwarded this petition, with yad No. 2,211 of the same date, 18th September, to His Highness, saying that when I wrote to the Durbar a short time previously about girls being retained as Loundis against their will, the fact had been denied by the Durbar, and I requested that if the mother's story were true, the girl might be released, and the offenders punished.

No reply having come by the 22nd idem, the old woman Kasi wrote another petition to the effect that the Durbar people were trying to pollute her daughter by giving her food cooked by a low caste woman in order to unfit her for any other service but that of Loundi.

This petition was also referred to the Durbar on the 22nd of September.

On the 25th of September the girl herself appeared at the Residency accompanied by her mother, and stated how she had been seized by Government peons, and taken before the Maharaja himself, "who gave order that I should be made a "Loundi. I represented that I was the daughter of a "'Grahasth' and was not willing to be made a Loundi. Notwithstanding this, the Maharaj "directed me to go to the Rani. I wept bitterly, and was sent against my will, &c., &c."

Gentleman.

" Next day Durbar yad No. 2029, of 26th September, was received, stating that as Kasibae's " daughter has expressed her unwillingness to work, " she has been sent back* to her mother. The state-
" ment made in the accompaniment to the Residency yad of 22nd September, that they are " trying to pollute her daughter, is false."

* Not her husband, nor a word about him.

Thus it is clear that the actual grounds upon which this girl Chandra Bhaga was seized and released in September, according to the evidence just quoted, are entirely different from those adopted by the Durbar before the Commission a few days ago, viz., that it was " at the request of her husband," who it appeared had cast her off 16 or 17 years ago, when she was a child. In short, before the Commission the Durbar flatly deny that she was ever made a Loundi at all; whereas the yad of September the 26th above quoted admits the fact, and releases her on the plea of unwillingness to serve.

*7th Case.*—On the 19th of December a respectable woman named Ujan, the wife of Partap, of the Bharot caste, appeared before the Commission, and stated that in August last she had been seized by Government sepoys, one of whom told her that he had orders from the Maharaj to take her to the Palace. They gave no explanation whatever as to the reason for seizing her. Amidst the remonstrances of her parents and many of her caste people, she was taken to the Palace, before entering which the sepoys were persuaded to let her go on payment of a bribe of 60 rupees. Her father corroborated this evidence.

Seizure.

The following evidence of Saku, wife of Ganpatrao Vithoba Halkara, (witness No. 2 examined by the Commission in the Loundi case, and now in prison,) was offered by the Resident to the Commission, but not taken. The Resident considers it to be entirely reliable, and therefore of great importance as auxiliary to the other evidence recorded.

Deponent states on solemn affirmation that her husband† is employed in the Senaputty's Kutcherry, that she has been in prison about three months for seizing a certain girl named Bhima (from Junaghar in Kattywar) who was living in a hired house near Sur Sagar Tank. States that her husband was employed with two others named Kashipuri and Lakshman Rabe, in seizing women in the city of Baroda for the Maharaj; that within a short time her husband and the two others had taken upwards of 50 women to the Palace, of whom 10 or 12 were married women living with their husbands, others are widows, others were women living away from their husbands, and some are loose women. The two following persons belonged to the street in which she lived, and were seized in her own presence, viz.:—

† The Resident had Ghanu and others punished for this, as they robbed the woman. She received compensation, and was ordered back to Kattywar.

1*st.*—Gaja, wife of Tukaram Morya. Good-looking girl of about 22 years of age, living with her husband.

2*nd.*—Kaushalya, daughter of one Paru, married to a man in the Huzur Paga, and living with him, aged about 20 years, and good-looking.

Both of these women told her that they had been dishonoured in the Palace. Witness states that on the day that her husband was imprisoned, the 50 women who had been seized by him, and others also, were released, owing to the representations made by the Resident to the Maharaj. Witness knows that about 50 women were seized by her husband, because Government sepoys used to go to her house, and order her husband to seize such and such a woman.

The following evidence was also in possession of the Resident, but the girl who gave it was not willing to appear before the Commission, and it was not therefore pressed.

JAMNA, wife of Shivlal Ganpatram, Aodichh Brahmin, age 22 years, stated on solemn affirmation before the Resident, that about three months ago, as she was proceeding from her husband's house to her father's in the middle of the day, two Government men, one named Ganpat, and another Bava, seized her and took her to the Havelee, saying that the Sarkar wanted her. On arrival they told her to sit down, and went to report to the Maharaj. About two hours afterwards her husband came to the Havelee, but Ganpat and Bava turned him away, denying that he was her husband. He therefore went away to bring a person to prove his relationship. In the meantime the said Ganpat dishonoured her. In due time her husband brought a Kheraval Brahmin named Gabad to prove his relationship. She was then allowed to go with him, he being employed in British territory at the Neriad railway station.

In addition to the above, the names and residence of 26 women are recorded in the Residency office, who were seized as Loundis or for immoral purposes, and have been recently released.

The compilation containing this extra evidence not recorded by the Commission was submitted to the President for perusal with letter No. 1082, dated the 3rd of December; and I, in that letter, took occasion to point out that feelings of shame and fear of disgrace and excommunication from caste prevented many from coming before the Commission who did not object to come to the Residency accompanied by their relatives.

Subsequently to the above, and after the Durbar had made their statement of 22nd December, two British female subjects from the Ratnagiri district appeared before the Commission and stated their cases, as fully set forth in Schedule I., Cases 12 and 13.

One of these was a good-looking Shenvi Brahmin woman named Narangi, the wife of Vithoba Polekar, and the other Shenvi the wife of Ganu, of the village of Sakarpa. Both gave clear and important evidence directly inculpating the Maharaja himself and his Minister Nana Sahib Kanvelkar in aiding and abetting and carrying on a system of enticing married women away from country villages of the British districts, using them for immoral purposes and then making Loundis of them.

The portion of their statement given to the Resident, which referred to their having been enticed away from their villages in the Ratnagiri District by some servants of the Minister, who is a native of the village of Kora under Rajapur, was not recorded by the Commission, in con-

sequence of the enticement having taken place in British territory. Their story therefore commenced from the time of their arrival at the minister's house in Baroda, together with several other girls,* who had also accompanied them from different places in British territory.

* This shows the system.

It has been recorded, however, on evidence before the Commission:—

1st.—That as British subjects, the Minister, Nana Sahib, and the Maharaja, knowingly forced them to serve as Loundis in the Maharaja's own household.

2nd.—That as British subjects they were both unjustly thrown into prison without trial for no crime whatever, but simply because they declined to accede to the Maharaja's wishes to become false accusers of certain persons.

Compare the case of these girls with those of 34 and 36 of Schedule II., in which one girl of respectable family, a companion of the Rani's, and the other a Loundi, were similarly treated for the same reason.

3rd.—That having been thrown into jail as British subjects, they have been illegally and unjustly detained for about $1\frac{1}{4}$ years, during which time the Brahmin woman was twice flogged and the other one once.

It is also important to mention here that in September last the Resident, having reason to believe that a number of British subjects were unjustly detained in the Baroda jail, requested the Durbar to forward to him a list of them, showing their offence, sentence, &c. The two women under notice, though British subjects, having been forcibly made Loundis as such, were excluded from that list, yet in about a month afterwards they were released at no one's intercession on the occasion of the eclipse of the moon. The Durbar, in their statement of the 23rd December before the Commission, have made the bare unsupported assertion that both these victims of their system were guilty of theft, and hence their imprisonment; but it will not be difficult to disprove such a charge, and to show that, as already mentioned above, their cases are precisely the same as those of the two women mentioned in cases 34 and 36 of Schedule II. above quoted. In fact, I have reason to believe that the Durbar's own records contain nothing against the two women under notice; otherwise, in so serious a case they would no doubt have produced them, in corroboration of their bare statement before the Commission.

Independently of the personal wrongs sustained by, and the personal redress due to, these women from the Durbar, it is submitted to the Commission for consideration that their evidence, in addition to what has been already produced, completely refutes the denial of the Loundi system by the Durbar before the Commission on the 22nd of December, when they stated that females are never seized to be made Loundis of by the Durbar; and that only such as are willing to enter the service are detained, the rest being allowed to go to their homes.

Both the women in question are for the present under the Resident's protection, agreeably to the recommendation of the President of the Commission, pending a reference to Ratnagiri and final arrangements regarding them.

Before concluding this memo., it seems desirable to refer to the subject of the Government of India letter, No. 2609 P, dated 29th October 1873, and the Bombay Government letter, No. 6864, dated 7th November last, upon the subject of the allegations regarding His Highness the Gaekwar made in the *Hitechu* (newspaper of Ahmedabad.)

My letter $\frac{181}{171}$, dated 24th September 1873, to the Bombay Government, was not brought forward, because the Commission declined, as a general rule, to go into cases affecting the personal acts of His Highness with regard to women; even cases 33, 34, and 36 of Schedule II. were not gone into, the first named being one of the cases mentioned in the *Hitechu*. All, therefore, that I desire now to say with regard to this correspondence is, that whilst expressing my sincere regret that I should have displeased His Excellency the Viceroy and Governor General by undertaking it, yet I may, with profound respect, state that, combined with my general protests in August and September last, it had the effect of putting a stop to the system of seizing respectable women for immoral purposes, and also of girls generally to serve as Loundis, both of which practices had attained to such a height at the time, that the most respectable citizens of Baroda had actually begun to deport their wives and daughters into British territory; and only ceased to do so when re-assured of British protection in their own houses under the protests which, as British Resident, I felt bound to make against such cowardly and tyrannical proceedings on the part of the Gaekwar.

I fully admit that, except under circumstances of extreme emergency, the course I adopted is not justifiable; and it is only the disgraceful state of things which I have described, and the failure of my personal advice, that led me to try it, for the good of an utterly defenceless people, who, under the presence of about 6,000 or 7,000 armed men, and an unscrupulous police administration in the city of Baroda, are, or I should say were, held in a state of the most abject terror, which, though somewhat abated, is not even now altogether extinct.

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### Case No. 41.

In this case the complainant Baini appears before the Commission accompanied by her brother, her husband being bed-ridden and unable to accompany her. Her statement, as recorded in the Resident's Schedule II., charging Balvantrao Trimbakrao, Vahivatdar of Visnagar, with horrible torture of her in a police inquiry case, is read out in the presence of the Commission and the Durbar agents. The statement is not repeated here, but will be found in the said schedule. The Durbar agent states, that immediately on the case being brought to their notice by the Resident, the Vahivatdar was suspended, and inquiry into the case instituted. They further say that a close and searching investigation is now going on, and that, in the event of the charge being proved, a most exemplary punishment will be inflicted upon the Vahivatdar. The President

expresses to the Durbar agents his opinion that the complainant in this case should be taken special charge of by the Durbar while her grievous complaint is being investigated, and intimates that the Commission will expect, before closing its proceedings, to be informed of the result of the investigation, and of the orders passed in the case.

### Further Statement of the Durbar.

In continuation of our memorandum of yesterday's date, though sufficient evidence has not been obtained to warrant a judicial conviction, the Durbar cannot but entertain from all the circumstances of the case a reasonable presumption that the complainant must have suffered some violence. The Durbar have therefore resolved to dismiss the Vahivatdar and Kalji, and declare them both unfit for re-employment in His Highness' service.

The Durbar will also give the complainant Rs. 200 as compensation.

Note.—On the members of the Commission visiting His Highness the Gaekwar before leaving Baroda, the Maharaja informed the President that on a further consideration of this case he had decided to sentence the Vahivatdar to two years' imprisonment, besides declaring him disqualified for future employment in the public service of the State.

### Final Statement by the Resident.

Case of Baini, a Brahman woman tortured at Visnagar.

The facts of this very disgraceful case fully appear from the petitioner's statement, which is given at length in the Schedule.

The Durbar have stated in their final answer, dated 24th December, that they have inquired into the case, and "though sufficient evidence has not been obtained to warrant a judicial conviction, the Durbar cannot but entertain a reasonable presumption from all the circumstances of the case that the complainant must have suffered some violence." The Vahivatdar has been therefore dismissed, and has been declared unfit for re-employment in His Highness' service.

The President of the Baroda Commission having publicly informed the Durbar agents that justice appeared to have been defeated, and that the settlement of the case was most unsatisfactory, the Resident has only to add that the action taken by the Durbar in this case is a sample of what habitually occurs whenever the chief criminals are high officials in the service of the Durbar. The offender in this shameful case occupied the important position of Vahivatdar of the Visnagar Mahal, and was, as such, invested with full jurisdiction, both civil and criminal. The Resident has on several occasions brought to the Durbar's notice the notorious behaviour of this very Balvantrao Trimbak, but no notice whatever has been taken of his representations. This individual, who is said to be a protegé of the Sir Fouzdar Balwuntrao Yeshwunt, has served in several districts, in all of which numerous complaints have been made against him for every species of oppression and misconduct. While Vahivatdar of Beejapoor he is said to have been formally dismissed by the late Maharaj, and to have been declared ineligible for further service. The Resident respectfully submits that it is employment of notoriously disgraceful characters like this man Balvantrao Trimbak that has more than anything else tended to produce the present demoralisation of the Baroda Districts.

The Resident submits it as his opinion that the practice of torture, of which the present case is merely an illustration, is not confined to one district or another, but is systematically employed by the chief Durbar officials in all of the Baroda Mahals. The action taken by the Durbar in this case clearly proves that the crime is winked at as far as possible, and that even when glaring cases are prominently forced on the notice of the Durbar, yet the chief criminals are allowed to escape.

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### Case No. 42.

Anandrao Viswasrao, brother of Maharani Jamnabae, widow of His Highness Khunderao Gaekwar, at present residing in Poona, states:—His Highness Khunderao Maharaj, on his marriage to my sister Jamnabae, gave me Sanads, which I produce, granting me an allowance, as follows:—

Paga of 45 sowars, Rs. 42,000 annually, and the Inam village of Megha Kua, valued at Rs. 6,000 annually. (The Sanads are admitted by the Durbar to be genuine, and show that the paga with allowance was granted to complainant and his heirs in perpetuity, conditionally on his doing service. The village is granted in perpetuity without conditions attached.) I was in enjoyment of these at Khunderao's death, and was deprived of them, as well as of my two houses in Baroda, valued at Rs. 83,600, about one year after the death of His Highness Khunderao. No reason was assigned for their confiscation. I have done service to the Maharani since Khunderao's death, and I pray that my allowances, Inam villages, and houses may be restored to me.

The Durbar agents reserve their statement.

2. Manjulabae, wife of Kasirao, resident in Baroda, appearing by her husband, states:—I am the daughter of the late Maharaj Khunderao. I was deprived of my (vada) house some 15 days after Khunderao's death, by the present Maharaj. It had been presented to me by my father, and I am unable to say what its value was. I was also deprived of jewels, ornaments, &c., amounting to about Rs. 75,000. I have twice asked for them to be restored to me, and on the second occasion I was distinctly told by Hariba Gaekwar that I should get nothing whatsoever. About a year after Khunderao's death I was, though I had just been confined, turned out of the house in which I was living, and compelled to go to another. All our furniture and things were flung out into the streets, and we were compelled to leave the house.

Another cause of complaint is, that in spite of my remonstrances Wussunt Bhow is building a house on a plot of ground which belongs to me. I claim to have this ground restored to me.

I have an Inam village valued at Rs. 5,150 assigned to me for my maintenance. The Government has recently withdrawn the Havildar and five sepoys attached to it for its protection.

The Durbar agents reserve statements till the 20th instant.

3. KASIRAO GANPATRAO RAJE SIRKE, resident in Baroda, states:—In $\frac{\text{Svt. } 1924}{\text{A.D. } 1867}$ I married Manjulabae, daughter of His Highness Khunderao, who promised at that time to make fitting arrangements for my support, and in the meanwhile gave me an annual allowance of Rs. 12,000. He made no permanent arrangement, however, and I continued to enjoy this Rs. 12,000 till Khunderao's death. After that I received it for one year, when it was reduced to Rs. 8,000, no reason being assigned for the reduction.

His Highness Khunderao had given me one elephant with howdah and equipment of silver. Instead of taking the elephant I took Rs. 3,000 and left the silver equipments in the Hathikhana, where they now are. The Government refuses to give them to me. I do not know whether or no they have bestowed them on anyone else.

I pray that my wife's ornaments, &c., and my allowances, as stated above, may be restored to me.

The Durbar agents reserve statement.

4. CHIMMA SAHIB LAKSHMANRAO, now resident in Oodeypoor, in the Rewa Kanta, states:—I am the maternal uncle of Ambabae, one of the widows of the late Khunderao Gaekwar. He increased my annual allowance of Rs. 500 (which had been granted to me by Seiajirao) to Rs. 2,400 annually. On his death the present Muharaj, Mulharrao, stopped all the allowances of Khunderao's relations, mine amongst them, and I consequently ran away to Oodeypoor, where I now reside. I have never asked the present Chief to give me the allowances back. I made no complaint to the Resident at the time. Who would listen to my complaint? I never had any Sanad for these allowances.

The Durbar agents reserve statement.

5. AMRATRAO, son of Khunderao Maharaj, by Sakubae, now resident in Baroda, states:—My mother Sakubae was a mistress of the late Maharaja, and is now alive. She had an allowance of Rs. 32,000 annually, made up from an Inam village, valued at Rs. 16,000, cash from Farnavis Rs. 9,000, and Rs. 7,000 from the Mahals. I produce a Sanad (admitted by the Durbar agents to be genuine) showing my mother's right to draw Rs. 9,000 annually from the Farnavis. I have no Sanads about the other items of the Rs. 32,000. These allowances, together with my paga of 50 sowars, for which I had an allowance of Rs. 35,000 annually, were continued for one year after His Highness Khunderao's death, when they were summarily resumed, no cause being shown therefor; at the same time my mother's jewels and ornaments, valued at 3 lakhs of rupees or thereabouts, and my garden, the Hirabagh, were taken from us. My Paga has been given to Elajirao, the brother-in-law of Mulharrao, and my garden to Nana Saheb Khanvelkar. We have absolutely nothing whatever left to us. I produce a Sanad for my Paga. (This is shown by the Durbar not to be a Sanad, but an annual assignment for the Paga.)

The Durbar agents reserve their statement.

*Re-examined*, states:—We used to have 16 sepoys, who have been withdrawn from us. We have been turned outo f our house, and compelled to live in the house of one Narayenrao. An arrangement was made by Khunderao Maharaj that on my marriage a suitable establishment should be provided for me. I was married a year ago, and no establishment has been assigned to me. I have also been for the last year forbidden to attend the Maharaja's Durbar.

REPLY OF THE DURBAR.

Anandrao being the brother of Jamnabae, the Queen of His Highness Khunderao, we have no confidence in him, and have discontinued his allowances, and resumed his village. The house which he says was taken away from him was bought not by him, but by the Government, and it was consequently Government property.

Manjulabae.—The house in which she lived was Government property, and on its being taken from her another was given to her. With regard to the ornaments they were State jewels and not her private property, though she occasionally used them, being of the royal family. Those ornaments which formed her marriage gifts were her sole peculium, and were not touched. The plot of building ground which she claims is Government property. The sepoys were never allowed, as the village was given in Kaniyadan (gift to a daughter).

Kasirao.—This man's allowance is fixed at the same rate as granted to sons-in-law of the late Ganpatrao Maharaj. The Rs. 3,000 received by him were not for the elephant alone, but included its trappings and howdah.

Chimma Saheb.—We had no confidence in him, and therefore dismissed him.

Amratrao and Sakubae.—Sakubae, while His Highness Khunderao was alive, was, as his mistress, allowed to use the valuable State jewels. She has no claim to them as private property, and it was only in accordance with custom that they have been deposited in the Jamdarkhana now.

With regard to the allowances given to Sakubae, they are fixed at the same rate as those made to other mistresses of previous Gaekwars, viz., between Rs. 7,000 and Rs. 8,000 for herself and son, which they refuse to accept. The garden is Government property.

The Paga and allowances are dependent on service, which is not rendered by or asked for from Amratrao, and they have therefore been resumed.

FINAL STATEMENT BY THE RESIDENT.

The reasons assigned by the Durbar for their treatment of Anandrao Viswasrao, brother of Jamnabae, Rani of the late Khunderao Gaekwar, have at any rate the merit of simplicity. It is clear, however, that if an alleged want of confidence be a sufficient ground for discontinuance of allowance and resumption of Inam villages, no person's property is safe in Baroda. The persecution to which the Rani Jamnabae, in common with all the followers and adherents of Khunderao, has been subjected at the hands of the present Maharaj, may indeed afford a legitimate ground for want of confidence on their part; but in the mouth of the Durbar the plea is only raised as an excuse for spoliation. Anandrao's house in Baroda is not Government but private property; he bought it himself, and held the deed of sale for it.

The treatment of Manjulabae can scarcely be justified on the grounds asserted by the Durbar. The daughter of the late Maharaj was at least entitled to some sort of consideration, and the wholesale deprivation of jewels, ornaments, &c., and the forced exchange of houses presents only a picture of the same vindictive spirit which has prompted the persecution of so many others of the late Maharaja's family and dependents. These remarks also apply to the case of Manjulabae's husband Kasirao, and to the remaining cases enumerated.

The legal right of the Durbar to make the reduction, and resume the allowances of the relatives of the late Maharaj, is not called in question, but only the good faith and policy of the measures. There are so many proofs of a malicious and vindictive spirit on the part of the reigning Gaekwar in the treatment of H. H. Khunderao's family and followers, that the Resident has deemed it his duty to bring these cases to the notice of the Commission, in the hope that they will be able to make such representations as will cause the restoration of their property to those members of the Gaekwar family who have been unjustly deprived of it by the present Maharaj.

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CASE No. 44.

KASIRAM AMBARAM.

STATEMENT BY THE RESIDENT.

Baroda, 10th January 1874.

THE facts of this serious case are briefly set forth in the Schedule. The case was not investigated by the Commission, because the complainant himself was not present. The Resident begs, however, respectfully to submit that as the Durbar were advised by Residency yad No. 2865, of 27th November 1873, to produce the petitioner before the Commission, and as no explanation has been afforded by the Durbar for his non-attendance, the facts stated in the Schedule must be allowed to speak for themselves.

2. The Commission will not fail to observe that this case affords another flagrant illustration of the systematic use of torture to extort confessions of supposed crimes. The Patan district has obtained an unenviable notoriety for this special phase of crime, other examples of which are given in Cases 9, 10, 39, and 41 of this Schedule, and in Cases 4 and 10 of Schedule No. I. The Resident, moreover, deems it right to bring to the notice of the Commission that he received from one of the petitioners who appeared before him, information of no less than 12 cases of similar torture practised in the Patan district, in which no investigation of any sort by the Durbar is said to have taken place. He was prepared to cite these cases before the Commission had it been necessary.

R. PHAYRE, Colonel,
Resident.

Note.—This was received after the case had been closed by the Commission, and is filed with other cases in the same Schedule.

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CASE No. 45.

1. MUNSHI HABIBULA KARIMULA, Musalman, 50 years, now of Ahmedabad, states:—I was for 30 years the personal attendant of the late Khunderao Gaekwar. He gave me money, jewels value Rs. 35,000, clothes value Rs. 5,000, cash to the amount of Rs. 75,000. The total amount of his gifts was about Rs. 1,15,000. I had also houses in Baroda, the value of which was about Rs. 65,000. His Highness Khunderao also gave me in $\frac{\text{Svt. } 1915}{\text{A.D. } 1858}$ an Inam village, Ranoli, valued at Rs. 4,000. I had a Sanad for this, which was taken from me by the Karkun of Balwuntrao Yeshwunt Fouzdar. I had also another village, Lunadra, which I had bought with my brother Ghulam, from one Jibhai, a Bhat. The revenue of this village was within Rs. 2,200. I changed its name to Kadirpura. I also claim eight months' arrears of pay due from Khunderao's time.

On the very day that Khunderao Maharaj died, I and all my property were placed under attachment, and for three months everything was under "chor japti," *i.e.*, if I wanted to open anything or get anything out, I had to do so in the presence of one of the Government sepoys. At the end of this time all my property and houses were placed under lock, seal, and key, and I myself imprisoned in my own house. This lasted for six months. I was twice out of my house during those nine months, once when I was sent for by Balwuntrao Yeshwunt to give evidence in a case. My evidence was not taken, and I was sent back with a guard. The second time was when I went to the Maharaj, who forbade me to leave my house or to come into his presence again. At the end of the nine months I was taken by the Government sepoys and officials to the Fouzdari, where I was told by Balwuntrao Yeshwunt that I had committed some fault and must go to jail. I asked what my fault was, and was told that I had inflicted a fine improperly in my village. I

represented that I was not in the village at the time stated, and was told that I was responsible for whoever was there instead of me. I was then stripped of my clothes and handcuffed, and on asking Balwuntrao whether I was to be imprisoned for life, he said no. My arms were then tied with a rope, and I was taken to the main jail. One day the Maharaja visited me in company with Hariba Gaekwar and others. Hariba abused me, and said that Bhow Scindia and I were both men in high honour with the late Gaekwar, and that we should soon go up—die. I shortly afterwards learned, from going into the jailer's office, that my sentence was six months' imprisonment, and that the warrant had come. I was not set at liberty when my six months' term expired. I remained in jail for over nine months, when I was called into the office, and told I should be released if I signed a paper to the effect that I would not go to Jamnabae, the wife of the late Maharaj; that I should not complain about myself; and that I would make no disturbance (phitur) against the Government. The paper was in Gujerati, which I do not understand, but its contents were explained to me, and I signed it voluntarily and freely. On my release, Balwuntrao took me to the Resident, Colonel Shortt, having previously cautioned me to be careful of the consequences of my speech. Colonel Shortt asked if I really were Munshi Habibula; I said I was; when he remarked that the newspapers had reported both Bhow Scindia and me to be dead. I said that Bhow Scindia was dead, but that I was alive. He then asked how long I had been in prison. I refused to answer. The question was thrice repeated without reply. The Resident then asked Balwuntrao Yeshwunt, who first said six months was the term, but that I had been in prison for nine months. I was also asked if I had recognised anyone on the road, and replied that I had not, that I saw nobody now, and that I kept my eyes on the ground all the time. Had I known that I was released by Colonel Shortt's intercession, and not by the Maharaja, I would not have signed the paper mentioned above. When Mulharrao Maharaj visited me in jail he asked how I was getting on. I said I was very well, and asked him to take care of my four small children. He said he would regard them and care for them as for his own; but when I came out of jail I found my house robbed and my property all gone. After my interview with the Resident I returned on foot to my house in custody of a sepoy, and remained there under surveillance for 25 days. When I got home Balwuntrao's men told me to clear out in four days. I represented the difficulty of this, and begged for eight days, but got no reply. At the end of 25 days I got a pass for my brother, self, and four servants to leave. We did so, and went to Ahmedabad, where we have lived since. My household remained here for the time, but four months afterwards I sent for them to Ahmedabad, where they are now. I have been deprived of all my property, villages, houses, jewels, &c., and have nothing but a few cooking pots left. I have never committed any crime against the Maharaj. There never has been cause of dispute or quarrel between the Maharaj and myself.

The Durbar agents reserve cross-examination and reply.

### Reply of the Durbar.

The village of Ranoli was given in Inam to the Munshi Habibula. He was sentenced to six months' imprisonment for concealment of crimes, and imposition of heavy fines on ryots, and for other improper conduct in the exercise of his authority in that village. It was also ordered that on his release from confinement he should find security for future good behaviour. He was detained till he gave it. The reason for taking him to Colonel Shortt was merely to show that the newspaper reports about his death were incorrect. He was not abused in jail by Hariba Dada as alleged.

Being ill-disposed towards Government, he and his brother were detained at home to prevent their intriguing.

He belongs to the party unfavourable to the present Maharaj, and being of no use to him, his services were dispensed with, and his allowances and Inam village resumed.

The village of Kadirpur has been attached pending an inquiry into the title of the person from whom he says he bought it.

The houses and other property which he says he has been dispossessed of are Government property, and not his.

He was on terms of very great intimacy with Bhow Scindia, who allowed him to misappropriate the Government property. His private property therefore, amounting to upwards of Rs. 27,000, has been taken possession of in satisfaction of the State claims upon him.

### Final Statement by the Resident.

The explanation of the Durbar in the case of Munshi Habibula, No. 45, is so obviously unsatisfactory as to amount to no explanation at all. Not a single question was put to this witness in cross-examination, and the allegations of the Durbar are unsupported by any kind of evidence.

Assuming that the petitioner was legally tried and convicted for "concealment of crimes and for imposition of heavy fines on ryots, and for other improper conduct," nothing could have been simpler than to produce the proceedings of his trial, or to have questioned him before the Commission regarding the alleged offences for which he was said to have been convicted. The omission to do so only tends to corroborate the petitioner's statement that he was thrown into prison on a nominal charge, and detained there pending the Maharaja's pleasure.

Although the Durbar admit that the petitioner was sentenced to imprisonment for six months only, he was actually detained in prison for upwards of nine months. His release was only obtained through the accidental circumstance that his death was reported in one of the Bombay newspapers at the very time that public attention was directed to the sudden death of Bhow Scindia in prison. The petitioner was sent for by the Acting Resident, Colonel Shortt, and was

then set at liberty, security having been taken from a high Sardar named Ibrahim Ali that the petitioner should not complain to the British Government, and should have no communication with the Rani Jamnabae.

The petitioner has solemnly stated before the Resident, and has repeated before the Commission, that while in confinement his life was openly threatened by Hariba Gaekwar, who told him that both he and Bhow Scindia were doomed men. The important and circumstantial evidence which has been given by this petitioner regarding the circumstance attending the death of the late Bhow Scindia, shows at any rate that the petitioner has good grounds for believing that he would have shared the fate of Bhow Scindia but for the accidental circumstance which produced his release.

The Resident would invite special attention to the explanation given by the Durbar for the confiscation of the petitioner's Inam village of Ranoli, viz., that the petitioner "belongs to the "party unfavourable to the present Maharaj, and being of no use to him, his services were "dispensed with, and his allowances and Inam village resumed." It is clear that a plea of this sort, if allowed, would place the property of every Inamdar at the disposal of the Maharaj.

The allegation of the Durbar that Bhow Scindia allowed the petitioner to misappropriate Government property is unworthy of notice, as it is unsupported by evidence of any kind, and is obviously an after-thought to explain the confiscation of the petitioner's private property, which the Durbar are pleased to value at Rs. 27,000 only, though the petitioner has valued it at Rs. 1,15,000.

Inasmuch as the Durbar has intentionally deprived the petitioner of his private papers, and of the means of proving the real value of the property confiscated, it is probable that the value of the petitioner's property greatly exceeds the amount stated by the Durbar, and in default of evidence to show that the petitioner has greatly exaggerated his claim, the maxim of "Omnia presumuntur contra spoliatorem" appears applicable to this case. The same remark is applicable to the Durbar's allegation that the houses of which the petitioner has been dispossessed, and which the petitioner values at Rs. 65,000, are Durbar property. The petitioner's title deeds having been seized by the Durbar, he has been deprived of the legal means of establishing his claim.

It is submitted that this case affords a glaring instance of the most wanton abuse of authority on the part of the present Maharaja. The petitioner was one of the late Maharaja's chief favourites and followers; he was a man of substance and respectability; and, whatever else may be alleged against him, it is clear that he was guilty of nothing which could justify the shameful treatment which he has received.

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## Case No. 46.

Chimnaji Lakshman Wagh, one of His Highness Khunderao's followers, named for examination in connexion with alleged spoliation, appears before the Commission, but at the special request of the Durbar agents on the part of the Maharaj, the Resident intimates that he has assented to his withdrawal without examination.

### Final Statement by the Resident.

The facts of this case have been clearly set forth in the Schedule. The petitioner was in attendance and ready for examination, but at the special request of the Durbar agent the petitioner was not examined before the Commission.

It has been shown from the official correspondence relating to this case, which is quoted in the Schedule, that conflicting reasons have been assigned by the Durbar for the imprisonment and sentence inflicted on this petitioner, and as no proceedings or other legal record of his trial has been produced, there can be little doubt that he has been treated in the same arbitrary way that most of Khunderao's principal followers have been treated.

The petitioner, after having been imprisoned for upwards of two and a half years, and having been stripped of property amounting to about Rs. 51,000, was finally released in the month of November last.

With reference to the case of this petitioner, it appears material to bring to the notice of the Commission, that in the month of July 1871 a somewhat remarkable petition from Chimnaya Wagh was forwarded by Government to the Resident, Colonel Barr, for report. This petition runs as follows.

It is given *in extenso* because it contains important allusions to two other of the late Maharaja's followers who were situated in the same position as the petitioner, by bringing to notice the violent death of Ganu Wagh which had just taken place, and by distinctly foretelling that of Bhow Scindia, which took place within nine months from the date of the petition.

Substance of a petition of Chimnaya Wagh, formerly in the service of His Highness the late Khunderao Gaekwar, and at present in Godi Bazpur, to His Excellency the Governor, dated 15th, and received and ordered to be translated on July 5th, 1871.

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## Case No. 47.

Gulam Kadir Karimula, Musalman, 54 years, now residing in Ahmedabad, states:—I am the elder brother of Munshi Habibula, and served the late Maharaj Khunderao for 25 years. I hold a Sanad from him for the village of Khanpura, valued at Rs. 2,400, also for palki. I had a Paga of 45 horses, receiving Rs. 1,100 annually for them, and I also owned private property to a large extent. The whole of this, amounting in all to about Rs. 1,17,000, was taken away from

me by the officers and sepoys of Mulharrao, upon the death of Khunderao, for no reason assigned. I had also a half share in the village of Lunadra or Kadirpura, valued at Rs. 2,200, with my brother. This also has been taken away by the present Government, and I am left quite destitute. I was kept in close custody in my own house here, not being allowed to go anywhere or do anything except under the charge of a sepoy. I was at the time Sooba of Naosari, but came to Baroda two months before the death of Khunderao in consequence of sickness. I remained in the close custody specified for 19 months, and then went to Ahmedabad with my brother when he was released from prison. I have lived in Ahmedabad ever since.

Complainant produces a Sanad, which the Gaekwar's agents admit to be genuine. It bestows in Inam the village of Khanpura upon claimant and his heirs for ever.

The Durbar agents reserve cross-examination and statement.

### Reply of the Durbar.

He was deprived of his allowances, &c., for similar reasons to those mentioned in the case of Munshi Habibula, No. 45.

### Final Statement by the Resident.

The explanation of the Durbar in the case of Gulam Kadir Karimulla is more concise than satisfactory. The Durbar admits that he was deprived of his allowances, &c., for similar reasons to those mentioned in the case of his brother Habibula, viz., "because he belonged to a party unfavourable to the present Maharaja and was of no use." The only offence of which this petitioner has been guilty is that he was a faithful servant of a former Gaekwar. For this serious offence he is now punished with confiscation of private property amounting to upwards of one lakh, exclusive of Inams and other property, besides being imprisoned for 19 months, without trial or charge of any kind. The petitioner occupied at Khunderao's death the important position of Sooba of Naosari, and is a person of influence and respectability.

It will be noticed that not a single question was asked this witness on cross-examination, and the substantial accuracy of the petitioner's statement may therefore be safely accepted.

The facts of this case speak for themselves, and comment appears to be superfluous.

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## Case No. 48.

1. Eshvantrao Sakharam Mungekar, 42 years, of Baroda, states:—I was a personal attendant "Jasod," both of Seiaji and Khunderao, Gaekwars, for 25 years. I received gifts from Khunderao amounting in all to Rs. 10,000 or Rs. 11,000. I had amassed at the time of Khunderao's death some Rs. 90,000. I had an allowance of Rs. 2,000 annually from Government. On the third day after Khunderao's death I was imprisoned in my own house, and all my property attached. I remained a prisoner at home for six months, and was then taken to the main jail in Baroda, where I was kept for two and a half years. My family made a petition to the Resident, at whose intercession I was released. I went to my house and found that I had been stripped of all my property. It had been done since I was taken to the jail, and who would take my goods but Mulharrao Gaekwar? I was sent to jail by order of Balwuntrao Yeshwunt Fouzdar, now present. He knows whether any complaint was made against me. I do not know of any fault or crime whatsoever that I have committed against the Government. I was sentenced by Balwuntrao Yeshwunt to seven years' imprisonment, but I was not told upon what grounds or for what reason I was punished in this manner.

The Durbar agents reserve cross-examination and statement.

### Reply of the Durbar.

He amassed large sums of money by falsely persuading His Highness Khunderao that he would procure the restoration to office of Bhow Scindia, and by making journeys to Bombay under the pretence of arranging this matter with Government. He was convicted of intriguing with Bhow Scindia, and sentenced to seven years' imprisonment; but he has been released on the intercession of the Resident, and on condition that he should leave the Baroda territories forthwith. His allegations about the Rs. 90,000 are unfounded. Bhow Scindia had given him large sums from Government and private sources. His house was not attached till long after Khunderao's death, and this time he was believed to have spent in concealing the treasure he had got from Government. It was with a view to make him refund this that his property, valued at Rs. 4,000, was attached and confiscated.

### Final Statement by the Resident.

The explanation of the Durbar in the case of Eshvantrao Sakharam Mungekar cannot be accepted as satisfactory. The Durbar admits that the petitioner was convicted of intriguing with Bhow Scindia and was sentenced to seven years' imprisonment. The offence alleged to have been committed is conveniently vague. No proceedings have been produced, nor was a single question put to this witness in cross-examination.

The Durbar admits that the petitioner had amassed large sums of money, and was in the confidence of the late Maharaja. It seems therefore rather inconsistent to have valued the petitioner's property at Rs. 4,000 instead of Rs. 90,000 as alleged by the petitioner. If the petitioner's property was liable to confiscation, it is superfluous to have now valued the property at a merely nominal figure.

No reasonable doubt has been thrown by the Durbar on the substantial accuracy of the petitioner's statement. It seems clear that the petitioner has been thrown into prison on a nominal charge, and has been kept in confinement pending the Maharaja's pleasure, the whole of his property, which is very considerable, having been confiscated.

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CASE No. 49.

KRISHNAJI GOVINDRAO JADAV, 60 years, of Baroda, states :—I have been a personal attendant of the Gaekwar's since the time of the death of Seiaji Maharaj. I was Jemadar of the Chatriwalas at the time of Khunderao's death. I had at that time property worth Rs. 72,000 and houses worth something. I have no idea how much. About six weeks after Khunderao's death I was arrested one night and taken to the Fattehpur Chabutra, and next morning I was handcuffed and taken to the jail. I was told by the Khamdar (Bhujangrao) of the Fouzdar that I was sentenced to three years' imprisonment on suspicion. I was not told the nature of the suspicion against me. I was confined in a solitary cell for six months. I was then for four months with the other prisoners, till one day the Maharaj coming round to see the jail observed me, and directed that one Eshvantrao, and one Chimanrao, should, as well as I, be confined in three separate cells. His order was obeyed, and I remained in this rigorous custody for 1 year and 10 months. I was released about one and a half months ago, on the petition of my daughter to the Resident about me. On release I went home and stayed 15 days, when I was expelled summarily by the Government officials, and have since lived in the camp. All that remains to me and my family is the clothes we stand in. The Gaekwar's people have given an Inam to my servant Lakshman, who showed them where all my property was concealed.

The Durbar agents defer cross-examination and their statement.

REPLY OF THE DURBAR.

He was concerned in the attempt to burn down the Palace, and was after trial convicted and sentenced to three years' imprisonment. His property, worth Rs. 2,000, not Rs. 72,000 as stated, was confiscated.

FINAL STATEMENT OF THE RESIDENT.

It must be assumed that the conviction and sentence of the petitioner Krishnaji Govindrao took place according to some recognised form of judicial procedure. Nothing could have been simpler than to produce the proceedings, or to have questioned the petitioner regarding the charge on which he is said to have been found guilty. The omission to produce any proceedings, or to ask a single question in cross-examination, tends to corroborate the petitioner's statement that he was thrown into prison without any legal formalities at all. The statement of the Durbar regarding the value of the petitioner's property is unsupported by evidence, and is entitled to no consideration. It is to be observed that no reason is assigned for the confiscation of the petitioner's property at all. If the confiscation was inflicted as part of legal sentence, there appears to be no reason for assigning a nominal value to a property which the petitioner himself has valued at Rs. 72,000.

It appears clear that the petitioner has been thrown into prison on a nominal charge, and has been detained there several years pending the Maharaja's pleasure, the whole of the petitioner's very considerable property having been confiscated, and his family having been reduced to destitution. Under these circumstances, it is hoped that the Commission will be able to make some recommendation to Government, which will have the effect of relieving the petitioner from the pressure of absolute want.

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CASE No. 50.

MASUKH NARSIDAS, Kanbi, 58 years, Vakil of Ahmedabad, states :—I have practised as a Vakil in the Baroda State for 13 or 14 years. In the year $\frac{\text{Svt. } 1924\text{-}5}{\text{A.D. } 1867\text{-}8}$ I was employed by His Highness Khunderao to prosecute Balwuntrao Yeshwunt, Hariba Dada, and Narayen Lalubhai. The case being proved against Balwuntrao he was imprisoned by Khunderao, but not being proved against the others, a second charge was being investigated when Khunderao died. I was in Ahmedabad at the time, but returned on the third day. On the sixth day I was arrested and taken to the Fouzdari, while my wife was detained in custody at my house. A few days after, my son-in-law came from Ahmedabad to give security for me, but Hariba Dada refused to take his security, and I was taken to a cell in the Fouzdari and was imprisoned there for six months. I received my food from my house. I left the Fouzdari four times during this period, and on three of these occasions Balwuntrao Yeshwunt took my signature to depositions. On the fourth Narayen Lallubhai took my signature. On each and all of these occasions I did not see what was written in the depositions. They were not read over to me, nor were any witnesses examined in my presence. On the first occasion I was promised my liberty; on the second and third I was threatened with floggings, and on the fourth I was careless as to what I signed. At the expiration of six months Balwuntrao Yeshwunt sent me to the jail. I was not informed of what offence I was guilty, nor what my sentence was. I was sent to the jail, and I only learned from the jailer Bhojangrao that I had got three years. After about three months of this imprisonment Bhojangrao told me that my people had not given any further information about me, and that I should be released next day. I was set at liberty four or five days afterwards. I learned when I got out that my son-in-

law had paid the fine of Rs. 15,000 imposed on me. Since my release I have lived in Ahmedabad. At my release a security bond was taken from me not to return to Baroda or to make any complaint. I claim from the Durbar Rs. 25,000 for outstanding private debts, Rs. 15,000 for my fine, Rs. 5,000 for my private property confiscated, Rs. 500 for my imprisonment, total Rs. 45,500.

The Durbar agents reserve cross-examination.

### Reply of the Durbar.

Masukh was fined Rs. 15,000 on conviction of several offences, the chief being a conspiracy, charging the Assistant Resident, Captain Salmon, with taking a bribe. His allegations that his signatures were taken to various papers without their being read to him is false, as will appear from the fact that when he objected to any particular sentence in his deposition he has himself made corrections and initialled them.

His property, though under attachment, has not been confiscated. It is still in his house, and we offer it to him if he will come and take it. The security has been taken only for his future good conduct, but not to prevent him preferring any complaint to the Durbar.

With regard to his statement as to his wife being recalled from the station, the truth is that she was leaving for Ahmedabad with her Nazarana chits in favour of the Sarkar, and official papers. She was recalled, and when she gave up the papers she was allowed to depart.

### Final Statement by the Résident.

With reference to the explanation of the Durbar in the case of Masukh Narsidas, it must be pointed out that not a single question was put to this witness in cross-examination, and that the allegations of the Durbar are unsupported by any kind of evidence, which could easily have been produced from their own records, had such evidence existed.

It must be presumed that Masukh Narsidas was legally tried and convicted by a competent Court, and nothing could have been more simple than to produce the proceedings. The omission to do so tends to corroborate the petitioner's statement that he was thrown into prison without any trial.

If the chief offence for which the petitioner was convicted was a conspiracy against the Assistant Resident, it is most extraordinary that no allusion to the case can be found on the Residency records. The fact, indeed, is so extraordinary as to make the Durbar's statement on this point unworthy of serious consideration.

The statement of the Durbar that Masukh Narsidas himself made corrections in his own depositions and initialled them, might easily have been corroborated by producing the depositions and questioning the witness as to his own entries. The omission to do so cannot fail to prejudice the statement made.

The Durbar admit that the petitioner's property has been attached, but deny that it has been confisctaed. It is significant that no explanation of the attachment has been afforded, though the attachment in question has been in force for the last three years. The petitioner swears that he has twice formally requested the Durbar to be placed in possession of his property, and that his request has been distinctly refused. It is inconceivable that the petitioner would not have taken his property if he had had the chance, and the Durbar's present offer to the petitioner to receive his property "if he will come and take it," is under the circumstances rather significant.

The nature of the security bond exacted from the petitioner might easily have been demonstrated by its production. The omission to do so tends to corroborate the petitioner's statement.

The explanation of the Durbar of the treatment of the petitioner's wife is scarcely satisfactory. The petitioner has sworn that his wife was confined in her house for six months to prevent her from leaving Baroda, and was only released when the petitioner himself was thrown into jail. The petitioner's wife being dead, the falsity of the Durbar's explanation is saved from decisive exposure. It is clear, however, that if the restoration of a paper be the only excuse for detaining the petitioner's wife, that object could have been attained without confining her for six months.

It will be observed that no explanation whatever is given of the petitioner's most serious charge that he himself was thrown into prison for nine months without trial.

Under these circumstances it seems clear that the petitioner has a legitimate grievance, and is justly entitled to damages in consideration of the great loss and injury which he has sustained at the hands of Balwuntrao Yeshwunt, the Sir Fouzdar, and other Durbar officials.

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### Case No. 51.

Lakshmibae, widow of Malharbhao Shelki, resident of Baroda states:—My late husband was a personal attendant and private servant of Khunderao Maharaj. He was a servant of the Gaekwar's from the time of Ganpatrao, and had been employed for 40 years. About 10 days after Khunderao's death my husband was arrested—I do not know by whom—at the palace. I do not know why he was arrested. The same day our house was put under attachment, and I was strictly confined to the house. In a little over a month all our property was taken away from the house. I do not know by whose orders or who the people were who took it away. I was ill at the time. The attachment lasted six or seven months, at the end of which time I was turned out. I do not know who has it now or to whom it was given. Nine months after my husband's arrest a sepoy came and informed me of his death in prison. I went there to take away the corpse. I made no inquiries as to his death. I noticed that his teeth had fallen out, and that his complexion, which was formerly light, was now livid and black. The

body was slightly swollen and had an offensive smell. I have claims against the Durbar now, amounting in all to Rs. 129,000, comprising my husband's property which was confiscated, viz., cash, jewels, ornaments presented by Khunderao, and my house. There was also an Inam village, Otia, revenue Rs. 2,500 annually. I have no Sanad for it. That was taken away with everything else. I know no reason whatsoever for this treatment of my husband and me, or for taking away our property. I am left now utterly destitute.

The Durbar agents reserve statement.

### Reply of the Durbar.

Complainant's husband was in charge of the Jamdar-Khana called Silleh-Khana, which had jewels in it deposited from the time of Seiaji. On the accession of His Highness Mulharrao an account was demanded, and, conscious of fraud and fearing exposure, he and Ghanu Wagh set fire to the Sille-Khana about February 1871, by which a portion of the property, and principally the accounts, were destroyed. He was convicted and sentenced to nine years' imprisonment. His property, valued at Rs, 25,000, and house were confiscated on account of the offences committed by him, and the losses caused thereby to Government. A portion of the building and a considerable quantity of the accounts and Government records were burned.

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### Case No. 52.

Bhagirathibai, widow of Ghanu Wagh, now resident in Baroda, states:—My husband was a personal attendant of the late Khunderao Gaekwar for five or six years, and had previously served preceding Gaekwars. My husband had personal property amounting to three lakhs of rupees or thereabouts, and an Inam village, Beiranpur, the value of which I do not know. Some fifteen days after Khunderao's death he was imprisoned and his house and property placed under attachment. About five months after my husband was imprisoned I heard he had died, and went with my relations to the jail to take charge of his corpse. I heard people say that he had been poisoned, but I do not know why they said so. The colour of the body was black after death; whereas while my husband was alive he was of a light complexion. We took away the corpse. I am left now utterly destitute, having only my personal clothes. My house has been given to one Sheikji, the servant of Mulharrao Maharaj. I do not know the value of the house. My garden, the value of which I do not know, is now in the possession of Balwuntrao Yeshwunt Fouzdar.

The Durbar reserve statement.

### Reply of the Durbar.

For first part see previous case. The complainant's husband is the Ghanu Wagh there alluded to. The allegation as to three lakhs of property is false. Her property, valued at Rs. 20,000, and consisting of ornaments, was taken possession of because he was found guilty. The house in which he lived was Government and not his private property. The garden was made at the Government expense and the Government therefore resumed it, and transferred it to the supervision and care of Balwuntrao Yeshwunt.

### Final Statement by the Resident.

The explanation of the Durbar in the case of the widows of Malharba Shelki and Ganu Wagh is obviously unsatisfactory, as affording no explanation of the shameful treatment to which the petitioners have been personally subjected. Even if the husbands of these petitioners had been guilty of an alleged crime, of which, however, no evidence has been produced, nothing has been proved against the widows, yet they have been turned out of house and home, and have been stripped of everything they possessed, having first been kept in confinement, without any legal justification whatever. The husbands of both of these petitioners were possessed of very considerable property, much exceeding in value the sums stated by the Durbar. If the confiscation of this property was inflicted as part of a legal sentence, there appears to be no good reason for assigning to the property, as the Durbar have done, a purely nominal value. The Commission will not fail to notice that no proceedings were produced of the trial either of Malharba Shelki or of Ganu Wagh; and that not a single question was put to either of the petitioners regarding the value of the property of their deceased husbands.

It has already been brought to the notice of the Commission in my remarks under the head of Case No. 38, that both of the petitioners' husbands perished in prison under circumstances which led to the suspicion that they had been poisoned. Four persons who were with Ganu Wagh in prison have given evidence regarding the circumstances attending his death. They all state that something was given to him to eat, which caused him soon to purge and vomit, and that he cried out aloud before all the prisoners that he had been poisoned. Ganu Wagh was taken away to the Raopura Chabutra, which is one of the subsidiary jails, and there died. Ganu Wagh's widow has stated that when she went to fetch away her husband's body she was accompained by sepoys, which was a most unusual proceeding. She also states that the colour of the body was changed in an unnatural way. The widow of the late Malharba Shelki has stated that when her husband died in jail she came to take his body away, and she noticed that the colour of the body was unnaturally changed, and that there was a most offensive smell.

Taking all the circumstances of these cases into consideration, the Resident earnestly hopes that the Commission may be able to make some recommendation to Government which will have the effect of alleviating the distress of these unfortunate women, and of procuring for them a sufficient maintenance.

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### Case No. 53.

Parvatibae, widow of the late Bhow Scindia, now residing in Devargam, Chandor Taluka, of Nasik Zillah, states:—On the third day after Khunderao's death my husband was arrested and confined in our house, which was placed under attachment. This continued for five months, when he was taken off to jail, and our property, consisting of jewels, ornaments, gold and silver, cash, clothes, &c., were taken possession of by the Government. On my husband's being taken to prison, Gangabae, his other wife, and I were taken to the temple of Umkareshwar, where we were placed under strict guard, and allowed only our personal attendants to speak to. This lasted for about 17 months, *i.e.* till five months or so after my husband's death. He died about a year after he was put into prison, I think, but I am not sure. About 15 months ago we were released from the temple of Umkareshwar, when we were taken to the Residency by a Government Karkun whose name I do not know. The Resident asked us what our claim was, but I did not speak out, as one of the Government officers, Yeshwunt, or some such name, —I could recognise the man if I saw him,—had told us not to speak out, and thinking it would be better for us, and that by so doing we should be all the sooner released, I did not tell fully what had been done to us. It is the Fouzdar, now sitting in the room, that I mean by Yeshwunt. After this interview with the Resident we were taken to the railway station and our fares paid to Bombay. Some 10 or 15 men accompanied us thither. I asked Gopalrao Myral about a sum of a lakh of rupees which my husband had deposited with him, and was told by him that I was to get nothing of it, that the Sarkar had taken it. After leaving Bombay I went to Poona, and thence to our Inam village of Devargam in Nasik Zilla, since which time we have lived there. This village is the only property left to us to subsist upon. Even my stridhan, amounting to Rs. 500,000 or thereabouts, has been taken by the Government. I have committed no fault or crime whatsoever that I know of to be punished in this way. I cannot say what is the value of my husband's property which was taken. My manager can tell, but I do not know.

The Durbar agents reserve statement.

#### Reply of the Durbar.

The misconduct of Bhow Scindia has become a subject of record in the Residency. He was guilty of numerous other crimes than those recorded. It was brought to the notice of the late Colonel Barr by His Highness Mulharrao in conversation that Bhow Scindia had on various pretences taken away several sums of money and ornaments. He was also responsible for unexpended balances of cash advanced to him for conducting the various departments of the State entrusted to his management, and the only way of recovering the large sums due by him was to seize his movable and immovable property. Colonel Barr replied that he felt sure from Bhow Scindia's attempt to corrupt Captain Salmon that he was capable of abusing the confidence placed in him, and that he therefore saw no objection to his property being seized in satisfaction of the State claims. Thus property valued at Rs. 361,200 was seized and confiscated. The widows of Bhow Scindia when asked by Colonel Shortt, plainly told him that they had no complaint to prefer against His Highness Mulharrao, and there is every reason to believe that Colonel Short thus noted this in the Residency records. Reference to these is therefore suggested. The widows must have been instigated by evil advisers now, to come forward and complain as they have done.

The sum above named does not include the house of Bhow Scindia.

#### Final Statement by the Resident.

The widows of the late Bhow Scindia, ex-minister of the Baroda State, have complained to the Resident of gross personal ill-treatment at the hands of the present Maharaja, and of the confiscation of all their private property in addition to that of their deceased husband. The widows were kept in confinement in Baroda for no less than 21 months; and were only eventually released under the direct orders of Government. Colonel Shortt, the Acting Resident, was directed by Government letter No. 4365, of 23rd July 1872, to see the widows in person without the intervention of any Durbar agent, and to ascertain from them what their condition actually was, and what their wishes were. The widows have stated that they were accompanied to the Residency by a Durbar Karkun and by Durbar peons, and that before being admitted to see Colonel Shortt they were tutored by Balwuntrao Yeshwunt, the Sir Fouzdar (who appears to be chiefly responsible for the shameful treatment to which they have been subjected), regarding the answers that they were to give to Colonel Shortt, and were threatened with future ill-treatment in case of their disclosing what had happened.

Under the pressure thus put upon them the widows were compelled to conceal from Colonel Shortt the gross ill-treatment to which they had been subjected, and to give a totally false account of their condition; and Colonel Shortt was induced, in consequence of this misrepresentation, to write to Government a most misleading report regarding the real circumstances of these ladies.

The Durbar give no explanation whatever of the attachment and confiscation of the private property of the petitioners, which, considering the position of their deceased husband and the intimate relation that he occupied with the late Maharaja, must have been very considerable.

The case of these unfortunate ladies is one that the Resident would earnestly commend to the favourable notice of the Commission. The suspicious nature of the circumstances attending the death of the ex-minister in prison are already well known.

The late Bhow Scindia was possessed of very large property, considerably exceeding the amount stated by the Durbar to have been seized in satisfaction of the State claims, viz., Rs. 361,200. This property has been variously estimated at from 30 to 50 lakhs. The whole of the property was seized by the Durbar on the pretence of dividing it amongst Bhow Scindia's creditors. This, however, has not been done, and the whole of this enormous property, together with that of the present petitioners, has been simply confiscated by the Durbar, while the widows have been reduced to destitution.

The Resident trusts that the Commission will be able to make such representations to Government on behalf of these unfortunate ladies as will place them, at all events, in circumstances befitting their condition in life. It should be brought to the notice of the Commission that attempts have been made by the present Maharaja to deprive the petitioners of their Inam village of Devargam by repudiating the grant of the late Maharaja Khunderao. These attempts having proved unsuccessful, a suit has now been filed against the petitioners in the Nasik Civil Court by Hari Bhagti, who is a ward of the Maharaja, and one of the chief of the late Bhow Scindia's creditors, which, if successful, will have the effect of depriving the petitioners of their sole remaining means of subsistence.

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## Case No. 54.

1. Meru Gaddhu, 40 years, orderly of the late Maharaja Khunderao, states:—I was an orderly of the late Khunderao for 10 years, in receipt of Rs. 9 per mensem. I have also served the present Maharaj in the same capacity for three months. At the end of that time I was ordered to serve in one of the regiments. After serving for one month I was arrested at my house one night while asleep by Bapu Sahib, Sudaseo, a Karkun, and some peons, by whom I was taken to the Fouzdari. The Fouzdar Balwuntrao was not then present, and we were kept in custody for three days in the Fouzdari by the two persons above named without any examination. On the fourth day Venkatrao Master and Bapu Sahib told us to make a statement, that either the Rani, Bhow Scindia, or the Munshi Habibula had got up a plot against the Sarkar, *i.e.*, the Maharaja Mulharrao. They promised me Rs. 500 down, and Rs. 100 a month to say so. I refused to make the statement demanded, and was confined for three months in the Fouzdari, attempts being made from time to time to induce me to make the statement. I was in separate quarters from Jesingh Jora and Fattehsingh Bhaiji, who had also been orderlies of the late Gaekwar. I do not know of my own knowledge what they said to them. The Durbar then fined me Rs. 500, and on my pleading my inability to pay it, they threatened to hang me. They told my relatives they would do so. My mother and wife petitioned the Fouzdar in vain for a remission of the sentence, and at length the money was paid. I was in prison altogether for four months, and was released on payment of the fine. No one will employ me now. I want my Rs. 500 fine repaid and my restoration to Government service. I paid the fine to Bapubhai and Sudaseo, the Karkun of Venkatrao.

*Cross-examined by Durbar agents:*—Bapubhai is the brother of Tarabae, one of the mistresses of Ganpatrao Maharaja.

The Durbar agents defer statement.

2. Fattehsing Bhaiji, 45 years, orderly, now resident in Baroda, states:—I have heard the statement of Meru Gaddhu now given. My story is similar to his. I have served for 22 years, but in every other respect my story is the same as Meru's, and I pray that the fine of Rs, 500 which I paid to Bapu Sahib may be refunded, and that I may be re-employed.

*Cross-examined by Durbar agents:*—I made no petition, after payment of the fine, to the Maharaja. Who would listen to me? I made a petition a month ago to the Resident, but have made no other petition to anyone. I made it now, because I heard that the Sahib would listen to petitions.

The Durbar agents defer reply.

3. Jesingh Jora, 40 years, late orderly, now resident in Baroda, states precisely the same as the two previous witnesses, and desires the repayment of his fine and restitution to his place.

The Durbar agents defer answer.

### Reply of the Durbar Agents.

Bapuji Gangadhar and Sudaseo deny having received the Rs. 500. If, however, the complainants prefer a regular charge before the Durbar, it will be inquired into.

Information having been received that the complainants were getting up a conspiracy, they were arrested, but released for want of sufficient evidence. They were, however, considered untrustworthy and unfit for service, and were therefore discharged.

The three orderlies being confronted with Bapuji declare that this is the man they paid the fines to. He denies positively that he received any fine, and states that all he knows is that they were being tried by the Fouzdar at the time. He had no official position with the Durbar which would authorise him to receive fines, his sole connexion with the Durbar being that his sister had married a former Gaekwar Gunputrao.

FINAL STATEMENT BY THE RESIDENT.

The reply of the Durbar in this case merely amounts to a denial of the facts stated by the petitioners. The substantial accuracy of the facts so stated has been in no way shaken by the cross-examination to which the petitioners were subjected, and taking into consideration the risk which they incur in now coming forward to complain, and the humble class to which they belong, the Resident feels no reasonable doubt that the story of the petitioners is substantially true. That the Durbar criminal authorities are in the habit of fabricating false evidence for the purpose of ruining all those who have had the misfortune to incur the displeasure of the present Maharaja is abundantly clear from numerous cases which it has been the painful duty of the Resident to bring to the notice of the Commission. Instances of this disgraceful system are shown in the case of Amba Tani and others, No. 33 ; of Tani, daughter of Lakshman Gupte, No. 34 ; of Ramabae, No. 36 ; of Manecklal Vittal, No. 9 of Schedule I. ; of Laoji Umed, No. 61 ; of Ganpatrao Gujar, No. 55 ; of Sadakali, No. 4, and in numerous others. It is respectfully submitted that the prevalence of this system is the main cause of the utter disorganization that prevails in the judicial administration of the Baroda State. In the present case the evidence of the three petitioners must be considered in connexion with the treatment of the three persons against whom the malice of the Maharaja is alleged to have been directed. Bhow Scindia dies in prison under the most suspicious circumstances, after being stripped of everything which he possessed in the world. The Munshi Habibula, having been stripped of everything and thrown into prison, is only released through the accidental circumstance of his death being reported in a public newspaper at a time when the public mind was agitated about Bhow Scindia's death. The Rani Jamnabae having been subjected to every species of indignity, and having been deprived of everything except a pittance of Rs. 36,000, has been forced to appeal to the British Government for protection and maintenance, while the Durbar refuses to acknowledge her claim to any personal property whatever. The Resident has brought the case of these three petitioners to the notice of the Commission not so much for the sake of procuring them individual redress as of exposing a glaring instance of an abuse which has tended more than anything else to demoralize the present administration and to endanger the relations between the Baroda and the British Government.

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CASE No. 55.

GANPATRAO GANGAJIRAO, Guzar, 60 years, states :—I have been a servant in the Havelee for the last 34 years. About one month after Khunderao's death, I, being then in the employ of Revabae, daughter-in-law of Bhivabae, one of Seiajirao's mistresses, was arrested by a Jasod, Yadavrao, and taken to Hariba Gaekwar in the Haveli, who ordered me, without any inquiry whatsoever, to be imprisoned. I was then taken by sepoys to the Fouzdari. Next day I was ironed and taken to jail. I did not know why. That day Sagaji Patel's son came to me, and told me to make a statement that either Malharba Shelki, Ghanu Vagh, or Khushaba Chatriwala had set fire to the shed in the Havelee. I declined to give false evidence. He then told me I should stay in jail till I died. Ten days afterwards the Fouzdar Narayenrao Monghe repeated these threats, and received the same answer. About a month after, Daolatram, a karkun in Narayenrao's office, also came, and repeated the same threats. I again refused to tell lies. No depositions were taken, no proceedings held in my case. I was told when I was first imprisoned for what term I was to be confined, but I do not remember what it was. I was very ill, and did not understand the order when it was given. I was released about 1½ months ago by order of the Resident. My family petitioned him.

The Durbar agents decline to cross-examine, and defer their statement.

REPLY OF THE DURBAR.

He was tried and convicted on a charge of setting fire to the Havelee, and sentenced to seven years' imprisonment.

FINAL STATEMENT BY THE RESIDENT.

With reference to the explanation of the Durbar in this case it is to be observed that if the trial was a legal trial, conducted according to any recognised form of judicial procedure, nothing could have been simpler than to produce the proceedings, or to have questioned the petitioner regarding the charge of which he was said to have been convicted. The omission to take such obvious steps deprives the Durbar's statement of any weight whatever.

The Resident has good grounds for believing that the charge of setting fire to the Havelee is a wholly false charge, got up simply for the purpose of ruining certain followers of the late Maharaja, who were possessed of considerable property, and whose position in the Gaekwar's household had excited the cupidity of the present administration.

The Resident respectfully submits the case of this petitioner to the notice of the Commission as one deserving of favourable consideration, should the question of damages be recommended to the Supreme Government.

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## Case No. 56.

Complaints of 67 subordinate followers of the late Khunderao Gaekwar. The complainants' grievances are: in three cases confiscation of property and deprivation of allowances; in two cases confiscation of property only.

In the remaining 62 cases deprivation of personal and other allowances, with loss of service in some of them, without any fault on the part of the complainants.

The Commission decides that it will be sufficient to record generally the grievances of this large number of complainants, the Durbar agent being given the opportunity of offering any remarks thereon he may deem it proper to make.

### Reply of the Durbar.

The house in which Venayek Narayen resided did not belong to him. It was Government property, and as such was resumed. Its value is half that represented in the schedule. This person being found untrustworthy, his Nemnook was stopped and he was dismissed. These remarks apply to Nos. 2, 4, and 5.

No. 3. In the time of His Highness Ganpatrao he was chief Karbhari to the senior Rani, and the house in which he was living being Government property was resumed. As he was found unfit for service he was discharged, and his Nemnook stopped.

Nos. 6–67. The reasons for dismissal are as follows:

They were personal attendants of His Highness Khunderao; were not entrusted with public State duties; and on the accession of the present Maharaj it was not thought wise to continue such people in the service, and they were therefore discharged.

### Final Statement by the Resident.

With reference to the cases of petitioners one to five, the Durbar have denied that the houses taken from them are private property. All the petitioners have, however, produced their titles in the shape of deeds of sale formally countersigned by the responsible Durbar official. If formal titles of this sort are treated by the Durbar as mere waste paper, it is clear that the property of anyone can be appropriated by the Durbar whenever the Maharaja sees fit.

The reasons assigned by the Durbar for the summary dismissal of the numerous followers without pension or remuneration of any kind are in the cases of Nos. 1, 2, 4, and 5 "that they were found untrustworthy;" in the casee of No. 3, "that he was found unfit for service;" in the case of 6 to 67, "that it was not thought advisable to continue such people in the service."

These explanations are sufficiently concise; they amount, however, to no more than this: that all these petitioners were dismissed because it was the pleasure of the present Maharaja.

The case of these men has been submitted to the Commission for the purpose of illustrating the spirit in which the administration of the ruling Gaekwar has been systematically conducted from the time of Khunderao's death in November 1870. Everyone connected with the late Gaekwar by relationship or other tie has been remorselessly pursued, despoiled, or disgraced by the present Gaekwar. No one who is not aware of the hereditary nature of service in the Gaekwar's household, and of the quasi-domestic tie that exists between the chief Ruler and his household servants, will fully realise the significance of changing the *personnel* of a large establishment like that of the Gaekwar. Many of the persons dismissed have grown old in the service of former Gaekwars and their followers, and have served there before them. No fault of any kind is alleged against any of them, except that they do not enjoy the confidence of the present Maharaja. All of these persons are suddenly reduced to destitution, and are left without any hope of redress whatever.

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## Case No. 57.

Chunilal Bapubhai, 35 years, Sahukar, resident in Baroda, states:—I have an Inam village, Kajapur, revenue Rs. 1,200 annually. It was originally given to Samal, my great-uncle, by the Peshwa, and has remained in our possession since till $\frac{1929}{1872}$, when it was attached by Mulharrao Mabaraj. The Sanad granting this village is in the possession of Hari Bhagti, to whose family I belong. No reason whatsoever was given for attaching the village, and I know no reason whatsoever for the Government doing so. The Inam villages of other bankers were all attached at the same time. The Durbar have asked for my Sanad, and I have told them it was deposited with Hari Bhagti. I pray that my Inam village be restored.

The Durbar agents reserve statement.

### Reply of the Durbar.

The reason for attaching the village is the same as that given in Hari Bhagti's case.

### Final Statement by the Resident.

The Durbar state that the reason for attaching the village is the same as that given in Hari Bhagti's case, viz., "that all debts owing to bankers having been cleared off, there was no reason

to continue these grants." The Sanad of the petitioner is an hereditary Sanad, and no condition is attached to it. The village now attached has been in the petitioner's family since the Peshwa's time, and the attachment of it under present circumstances simply amounts to spoliation. The Resident respectfully hopes that the Commission will be able to make such representation as will have the effect of restoring the petitioner's village.

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CASE No. 58.

BAPABHAI HARIVALABH, 31 years, Shroff and Banker of Baroda, states :—My father had an Inam village, Gamdi by name, revenue about Rs. 2,500, given to him by Seiaji Maharaja many years ago. I cannot state in what year. I produce the Sanad (acknowledged by the Durbar agents to be genuine) granting the village in perpetuity and hereditarily to my father. It was attached by the Maharaja Mulharrao in $\frac{\text{Svt. } 1928}{\text{A.D. } 1871}$ without cause assigned. I know no reason whatever why it was so attached.

I had also a palki allowance of Rs. 1,392 annually, which was stopped in the same year for no cause whatsoever. I produce two Sanads for this. (The Durbar agents remark, 1st, that these Sanads are not hereditary grants; and, 2nd, that they do not bear the signature of the Maharaja, but of the Vahivatdar.)

The Durbar agents reserve their statement.

REPLY OF THE DURBAR.

See previous case.

FINAL STATEMENT BY THE RESIDENT.

The circumstances of this case are almost entirely similar to the foregoing case. The Durbar have given precisely the same explanation as in the case of Chunilal Bapubhai, and the same rejoinder as was given in that case is applicable to the present case. The Resident respectfully hopes that the Commission will be able to make such representations as will have the effect of restoring the petitioner's village.

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CASE No. 59.

MAHADAVRAO BIN GODAJI, 17 years, residing in Baroda. In $\frac{\text{Svt. } 1918}{\text{A.D. } 1661\text{-}2}$ H. H. Khunderao gave my father the Inam village of Maletha, revenue Rs. 5,000 or thereabouts, for service done. It was granted in perpetuity. I produce the Sanad (acknowledged by the Durbar agents to be genuine, and granting the village in perpetuity, hereditarily.) My father died in $\frac{1920}{1863\text{-}4}$, and the village has been since enjoyed by me till $\frac{1928}{1871}$, when H. H. Mulharrao deprived me of it, and gave it to Govindrao Mama (now present as one of H. H.'s agents). No reason was assigned for taking it from me, nor can I tell why I was deprived of it. In $\frac{1919}{1862}$ a palki allowance of Rs. 600 was granted to my father hereditarily and in perpetuity. I produce the Sanad (admitted by the Durbar to be a genuine grant from Khunderao giving this palki allowance hereditarily and in perpetuity). It was taken from me also in $\frac{1928}{1871}$. I know no reason for depriving me of it, nor was any assigned to me for so doing. I have made no written petition to have these restored to me except to the Resident. Who would listen to me if I did?

The Durbar agents have no cross-examination to make, but reserve statement.

REPLY OF THE DURBAR.

The village was held by complainant's father on service tenure. As a servant he was required and expected to be honest. He was, however, found to have been guilty of receiving bribes, and to have caused extensive loss to the State in the works entrusted to him. The village was therefore resumed and the allowance stopped. Having proved himself to be untrustworthy, he was unfit for further employ. The frauds were discovered on examination of the accounts after the accession of the present Maharaja.

FINAL STATEMENT BY THE RESIDENT.

The Resident would respectfully submit that the explanation of the Durbar in this case is open to various comment. The petitioner's village was granted to his father in 1861 by the late Maharaja Khunderao. The alleged frauds were not discovered by the present Maharaja till 1871, or ten years later, when the original grantee had been dead eight years, and the village had been enjoyed peaceably by the unoffending son, the present petitioner. The Sanad is an hereditary Sanad conferring the village absolutely, and not on service tenure, as incorrectly stated by the Durbar.

The arbitrary resumption of palki allowances is unexplained. The petitioner is one of the numerous persons whose chief sin appears to be that they were in the enjoyment of favours derived from the late Maharaja. It is respectfully hoped that the Commissioners will be able to make such representations as will have the effect of restoring the petitioner's village.

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## Case No. 61.

Laoji Umed, 50 years, Gumasta of Chunilal, Dalcharam, of Baroda, states:—Chunilal is a money lender and banker, having branches of his establishment in Bombay, Ahmedabad, Dholera, Visnagar, Pahlanpur, and Patan. He has been on bad terms with Balwuntrao Yeshwunt, the Sir Fouzdar, since $\frac{1923}{1866}$. In $\frac{1928}{1871}$, $\frac{\text{Posh}}{\text{Jany.}}$, by order of Balwuntrao, our house and bank here were placed under attachment, and our records and papers taken to his house. I was confined to my house, and in two or three days were sent for by Balwuntrao, who told me to make a statement that Bhow Scindia had deposited the sum of Rs. 5,000 to the credit of one Prema Ichha. I refused to do it, saying I did not even know Bhow Scindia. He threatened me with imprisonment and fetters, and under pressure of these threats I signed a written statement. What was in it I do not know, as I did not read it. Four or five days after I signed a similar paper under similar compulsion, but I do not know what was written in that. Four or five months after, in $\frac{\text{Vaisakh}}{\text{May}}$, Balwuntrao Yeshwunt again called me, and said that I was fined Rs. 15,000. I refused to pay the fine, whereupon he said he would order my debtors not to pay me what they owed. He did so, and I am now out of pocket Rs. 17,000 which my debtors refuse to pay without the sanction of the Durbar. My house and branch in Visnagar also were attached. The Visnagar attachment was removed three months afterwards, in consequence of the head of the firm complaining to the Bombay Government, who directed the Resident to inquire into the matter. On his report the attachment was removed. Three months after this the attachment on the Baroda branch was also removed, and I was released from confinement to my house, having first given security for Rs. 15,000 not to leave Baroda. My security was Masukh Hargovind. I have not paid the fine inflicted on me. My house and the branches of the bank are now released from attachment, and my prayer now is, 1st, that I may be allowed to collect my debts of Rs. 17,000 and carry on my business without interference; 2nd, that the fine of Rs. 15,000 may be remitted; and 3rd, that the security given by Masukh may be cancelled.

I received the papers and records attached and taken from the Baroda branch 1½ years after they were first taken, and those from the Visnagar branch three years afterwards.

The Durbar defers its statement.

### Reply of the Durbar.

Bhow Scindia being desirous to establish a charge of bribery against Captain Salmon, induced the complainant to make a false entry of Rupees 5,000 in his account book. When this was brought to the notice of the Durbar an inquiry was made, and it was found that Masukh Narsingh was the principal agent, Laoji Umed being only his abettor, and that his own accounts were tampered with. We intended to fine Laoji. He offered to pay Rupees 5,000 on condition that he might be permitted to recover the debts, payment of which was stopped by order of the Durbar. We are ready now to take his Rupees 5,000 as fine, and grant the permission he desires. The security bond will only be in force till the fine is paid.

The assertions that he was forcibly made to sign certain statements, and that he was kept in durance, are untrue. His signatures were all voluntary.

### Final Statement by the Resident.

The reply of the Durbar in this case is neither intelligible or satisfactory. It is inconceivable that if the prisoner was convicted of abetting a conspiracy against Captain Salmon, the Assistant Resident, no allusion to the case should be found on the Residency records. Bhow Scindia is first represented by the Durbar as being the principal in the conspiracy. It is subsequently stated that Masukh Narsingh was the principal agent.

The Durbar state that they intended to fine the petitioner for his share in the alleged conspiracy. Why this intention was not carried out does not appear. The petitioner, however, states that he was confined to his house for 10 months, fined Rs. 15,000, forced to sign false papers under threats of violence from Balwuntrao Yeshwunt, Fouzdar, and that his debtors were forbidden to pay their debts to his firm, by which he has suffered grievous loss. The Durbar admit that the petitioner was prohibited from recovering his debts in Baroda. This prohibition has now continued for upwards of 2½ years, and debts to the amount of Rs. 40,000 are still outstanding, while the petitioner is not allowed to leave Baroda without the permission of the authorities. The Resident respectfully submits that an illegal prohibition of this sort is absolutely unjustifiable, savouring more of private malice than of ordinary judicial process. The statement of the Durbar that they are ready now to take Rs. 5,000 from the petitioner as a fine, and to grant the permission which he requires, is under the circumstances utterly preposterous. If the petitioner has been fined Rs. 5,000 by a competent Durbar authority, it is most extraordinary that the petitioner has been able for 2½ years to set the Durbar at defiance, and to resist the payment of this fine. The petitioner himself attributes the whole of the proceedings against him to the private malice of Balwuntrao Yeshwunt, Fouzdar, and states that the fine in question was not a legal fine imposed by competent authority which he had no power to resist, but was a mere act of spite on the part of the Fouzdar, unsupported by any legal justification whatever.

The Resident respectfully submits this case to the notice of the Commission as one that shows how completely unfit are the present criminal authorities, and how especially the Sir Fouzdar Balwuntrao Yeshwunt to administer justice or to exercise jurisdiction of any kind. The defence of the Sir Fouzdar by the Durbar shows how completely the whole administration is pledged to the existing system, and how absolutely impossible it is to obtain justice when the chief officers of the Durbar are the principal offenders.

## Case No. 62.

Chunilal Pitambar, 25 years, Banker of Baroda, states:—My father was Hari Bhagti's Goomashta for 12 years, and died in $\frac{1927}{1870}$. I was Hari Bhagti's Goomashta for one year when I was discharged. In $\frac{\text{Svt. } 1922}{\text{A.D. } 1865}$ Mulharrao borrowed Rs. 1,281–4–0 from my father for his expenses, depositing a gold watch and a "chit" as security for the loan. On Mulharrao's accession he demanded the watch and chit from me, my father being dead. I took them to him, and he told me that Raoji Athvalia would pay me. I went to Raoji, who would give me nothing. On returning to Mulharrao, he himself told me I should get nothing at all.

I had a torch allowance of Rs. 72 annually, granted by Anandrao Gaekwar; a palki allowance of Rs. 700 annually, given by Seiajirao in $\frac{1890}{1833}$; an Inam village, Fajalpur, revenue Rs. 2,000 annually, given by Khunderao; and hold Sanads for all three. I have not brought my Sanads, having left them at home. These were all resumed in $\frac{1927}{1870}$ by Mulharrao for no reason or cause shown. I desire to have them restored to me. I have not petitioned the Maharaja to restore my village and allowances to me. The only person I have petitioned is the present Resident.

The Durbar agents decline cross-examination and defer statement.

### Reply of the Durbar.

The village was granted to complainant's father, Pitambar, in consequence of his having been the Munim of the Sirsuba's treasury, and was resumed on his death. The palki and torch allowances were conferred on him as Hari Bhagti's Munim, and when the banker's allowances were resumed, this was taken up with them. His allegation that His Highness Mulharrao had a loan of Rs. 1,200 from him on security of a watch is untrue.

### Final Statement by the Resident.

The explanation of the Durbar in this case would be satisfactory enough, if the petitioner's Sanad were a life Sanad only. It is, however, an hereditary Sanad without any condition attached. The explanation of the Durbar regarding the resumption of the petitioner's palki and torch allowances can hardly be considered as satisfactory when considered in connexion with Hari Bhagti's case. The fact that Hari Bhagti has been similarly despoiled cannot justify the present treatment of this petitioner.

With reference to the Durbar's explanation of the alleged loan to the present Maharaja, it is significant that no questions were put to the petitioner in cross-examination, and that his statement, having been publicly given and subject to cross-examination, is entitled to more weight than a bare denial by the Durbar unsupported by any sanction whatever.

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## Case No. 64.

### Flogging Women and Reform in Baroda Jail.

The case as set forth in the Schedule is explained to the Durbar agents, who promise to make a statement on the subject.

### Statement of the Durbar.

In regard to female prisoners it is not customary to divest them of their clothes and flog them. Should any officer be guilty of such misconduct he is punished on conviction. In case of female prisoners refusing to grind grain in the jail, it was usual to correct them gently with a stick. This practice has now, however, been altogether discontinued. It was left off two months ago or thereabouts. The woman from Visnagar has appeared; the other from Patan has not, because the Bhats say they would never allow their women to go up. The Residency surgeon has never visited the Baroda Jail. The Resident has occasionally, having given previous notice to the Durbar, but not to make any inquiries about, or from, prisoners. Proper arrangements exist about the registration roll of prisoners, and subsistence money.

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## Case No. 65.

Shankraji Shivram, 55 years, cultivator of Veshma, in Naosari Purgunna, states:—About 24 or 25 days ago, 94 men of the Naosari Purgunna determined to make a petition to the Commissioners, but some one must have gone to the Thana and revealed our intention, for, the night before we were to start, sepoys were sent to all the villages, and men were seized. Four sepoys came at midnight to my village, bringing two or three men whom they had seized. I managed to get out of the way, and have come up here. The object of arresting us was to prevent us making this petition.

The Durbar reserve cross-examination.

*Cross-examined by the Durbar:*—The petition of the 94 men alluded to above is now with the Resident. We were previously oppressed in the levying of Nazaranas, &c.

REPLY OF THE DURBAR.

We never issued any order to stop petitioners coming up. We never knew even that there had been any difficulty put in the way of their coming, and it was certainly without our sanction if such a thing were done. When the Resident brought to the notice of the Maharaj that people had made a petition to the effect that they were not allowed to come up to state their grievances, we issued an order directing the Vahivatdar to throw no obstacle in the way of petitioners. We do not know if the order were verbal or written.

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CASE No. 66.

STATEMENT OF THE DURBAR.

Bhow Scindia's creditors and estate.

The property is not worth from 30 to 50 lakhs as alleged. It is under five lakhs. From this we shall first deduct the State claim of Rs. 121,223 and court fees Rs. 22,656, and divide the balance amongst his creditors. So far as we can judge there will be no surplus; but should there be any, His Highness will have no objection to handing it over to the widows. With reference to the discrepancy between the value of the estate as entered in the schedule and declared by us, we would say that it is a notorious fact that Bhow Scindia while in power remitted large sums to his native place; and further, that having received a grant of two Inam villages from the Gaekwar, he got them exchanged for the village of Devargam in Nasik Zilla in order that it might be beyond the reach of the Maharaja.

FINAL STATEMENT BY THE RESIDENT.

The Durbar state that the value of the late Bhow Scindia's property amounts only to five lakhs instead of from 30 to 50 as stated in the Schedule. No evidence of any kind has been adduced by the Durbar to support the truth of this statement, which is contradicted by the evidence not only of Bhow Scindia's widows, but of everyone whom the Resident has consulted on the subject. It is in fact notorious in Baroda that the late Bhow Scindia was enormously wealthy, and this fact is not denied by the Durbar, who explain, however, that large sums were remitted by Bhow Scindia to his native place in Nasik. It is true that a sum of one lakh of rupees was deposited in Bombay, in the house of Gopalrao Myral, in the name of Bhow Scindia's wives. This sum has, however, been withheld by the Durbar, and a suit for the amount is now pending in the High Court. With the exception of this sum of one lakh of rupees no money appears to have been remitted by the late Bhow Scindia from Baroda. The widows have solemnly declared that with the exception of Bhow Scindia's Inam village of Devargam, they have been deprived of everything which they possessed, and in order to dispossess them of this last remaining property, one of Bhow Scindia's chief creditors named Hari Bhagti has been instigated to file a suit in the Nasik Civil Court, although the whole of Bhow Scindia's property was originally attached to meet the claims of creditors which have never been satisfied.

Bhow Scindia's widows have represented that the whole of their deceased husband's papers having been seized by the Durbar, and most of his confidential servants being restrained by fear of the Durbar from giving any assistance, they are effectually prevented from proving the real amount of the late Bhow Scindia's property. They pray that all their papers may be restored, and that all the persons who were acquainted with the late Bhow Scindia's private circumstances may be called and examined. A list of these persons has been given.

It will be observed that, although the late Bhow Scindia died on 1st May 1872, the Durbar admit that no disposal has yet been made of his effects. In the explanation which was given by the Durbar of the treatment of Bhow Scindia's widows (case 53) it was stated that property valued at Rs. 3,61,200 was seized and confiscated in satisfaction of the State claims. In the present explanation the State claims are stated at Rs. 1,21,223. It will also be observed that court fees to the amount of Rs. 22,656 are entered by the Durbar as a charge against the late Bhow Scindia's estate. It is not stated on what account these fees have been incurred, but it is presumed that the fees in question are institution fees payable by those creditors who have filed suits against Bhow Scindia's estate. Such fees are ordinarily paid in advance, and are paid not by the estate, but by the parties who have suits to file. From the fact, however, that suits have been filed and decrees passed without any institution fees having been paid, and that not a single one of the said decrees have yet been satisfied, though the property was attached shortly after the death of Khunderao in November 1870, it seems clear that the proceedings in question were intended merely as an excuse for confiscating the whole of Bhow Scindia's property.

The Resident respectfully submits it as his opinion that the ruin of Bhow Scindia, as of all the other principal followers of Khunderao, was mainly effected for the purpose of spoliation, and that the statements of the Durbar as to the amount of property they confiscated are absolutely unreliable. On behalf of the widows and of the *bonâ fide* creditors of the late Bhow Scindia it is respectfully submitted that the Durbar should be required to produce all the documents that may be in their possession relating to the estate of the late Bhow Scindia, and that the whole case should be submitted to some independent authority for equitable adjudication.

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## SCHEDULE No. III.

### CASE No. 1.

### CASE OF MOTILAL SAMAL.

EXTRACTS from Deposition of BALAJI GOVINDLAL, present head of the Firm; *vide* Sardars' cases, Deposition 21.

BALAJI GOVINDLAL states:—I appear as representative of Motilal Samal, deceased, the bankers of Baroda, Ahmedabad, Surat, and Bombay. I am his son-in-law. He died two or three months ago from grief, and has left a son five years old. I am now the representative of the firm. Our firm originally belonged to Ahmedabad. Samal was the founder of the firm 100 or 125 years ago. After Samal, came Motilal and Harilal in A.D. 1829. The whole of these allowances were stopped 15 months ago by Mulharrao, the present Gaekwar. The ostensible ground for stopping them was a false claim for debts owed to the State for 50 years past. He claimed Rs. 1,25,000 in all from us. Out of this sum he said he found from our books Rs. 64,000 owing to the State. He took away our books, and has since kept them in his own possession. We do not admit the debt at all. The Nana Sahib has, however, since settled this with us, and we have no complaint to make about it. There was a second item of Rs. 50,000 which Nana Sahib has now settled, and we have no quarrel about that. There remains but one item of Rs. 20,000 which the present Government claims as a court fee on a suit for Rs. 3,84,000, which we have brought against Bechar Nathu in the First Court of the Gaekwar. Khunderao, however, exempted us from the fee, and directed that the suit should proceed without fees being taken. We therefore now object to pay the money. The total amount now due to us by the Sardars, Silledars, &c., is about 15 lakhs of rupees. This amount I claim that the Gaekwar's Government should assist me in recovering from these Sardars and Silledars by deducting the amount due to us from their pay. All the private property of the firm which was in Gaekwari territory has been attached. I cannot say what was the value of it. Motilal went to Ahmedabad on urgent business about 15 months ago. The day after he left, his property and everything was attached, and he remained in Ahmedabad, till he came down to Baroda about six months ago. He then stayed in camp, as I said before, for four months, and died after an illness of a few days in Ahmedabad, to which place he returned when he first fell ill. I succeeded him in the business, and am new to it. We have lost lakhs of rupees from this, and have been forced to close our banks in Ahmedabad, Surat, and Bombay. No one will do any business with us now we have lost our credit.

### REPLY OF THE DURBAR.

We divide our answer into six heads:—

1*st.*—With reference to the confiscation of his Inam village, we state that it was given to the firm at a time when it had had extensive dealings with the Government. and when large sums were due to the bankers. It was given in part satisfaction of the Government debts. When the village was resumed the Government did so, considering, from an examination of its own accounts, that the debt had been paid in full, and that there was no necessity for continuing the grant any longer. The bank's books were not compared with those of the State. The bankers did not appear for this purpose.

2*nd.*—With reference to the confiscation of the sepoy "Nemnook" (*vide* Sch. II., Case 1, Deposition 21), the Government considered that Motilal, having left Baroda without permission, was no longer a State servant, and that it had therefore the right to resume the establishment.

3*rd.*—Motilal having gone away from Baroda without leave, and there being no one in charge of his shops and property in Baroda, they were put under attachment. Locks and seals were put on, but no list of property was made out. Information was given to the Resident six or seven months ago that Motilal was at liberty to come and take possession of his property, but he never came.

4*th.*—The payments of sums guaranteed by the Government will be made according to the terms of the guarantee.

5*th.*—The fees demanded from Motilal were usual, and such as it is customary to demand in the cases of suitors in the Civil Courts. We deny that Khunderao ever forgave the fees as alleged.

6*th.*—The Gaekwar's agents further state that in Khunderao's time the question arose as to whether or no the State bankers should be allowed to bring actions on plain paper or not, and that in several instances it was decided that they should not.

### FINAL STATEMENT BY RESIDENT.

Baroda, 26th December 1872.

This case was transferred to Schedule III. by the Commission.

2. The present representative of the firm, Balaji Govindlal, of Ahmedabad, was examined, on the part of the minor, by the Commission, amongst the Sardars (*vide* Case No. 21), in

consequence of the Paga of 62 horses in the Kattiawar Contingent having been arbitrarily confiscated by the Durbar.

3. I have not received from the Commission a copy of the Durbar's reply to this statement No. 21, but I heard it delivered, and have a general idea of its tenor.

4. The complete case, however, as set forth in Schedule III., Case 1, has not been inquired into. There the character of the Gaekwar's personal treatment of the old banker Motilal Samal (since dead) is fully set forth.

5. According to His Highness Mulharrao's own account he found on his accession to the throne in the beginning of 1871 that the State was two crores of rupees in debt, and it appears that one of the many modes which His Highness adopted of paying off that debt was to close accounts with the old State Banks, and open Government ones in Baroda, Bombay, and Surat. It seems, however, that though these State Bank accounts were closed, all, as a rule, were not settled, for it is seen in the case under notice, that as an initiatory measure His Highness at first endeavoured to make Motilal Samal pay him a sum of 1½ lakhs of rupees in full of all demands, which was afterwards reduced to Rs. 75,000. This arbitrary and summary mode of settlement having been resisted as unjust by the banker, His Highness deliberately commenced to ruin the firm, by attaching their immense household and other property, ignoring *bonâ fide* State debts and responsibilities,* and finally confiscating Inams, Nemnooks, Pagas, &c.

6. Were this an isolated case of such treatment some doubt might arise regarding the truth of it, but when considered in connexion with the general tone of the present Gaekwar's rule in confiscating the property of all classes without just grounds, its reality may be accepted as matter of fact, and is utterly unjustifiable.

7. During the last eight months every effort has been made by the Resident to obtain a fair settlement of accounts, but without success, and it is on record in this office that the mukhtiar who went to the Durbar, in September 1872, to settle these accounts, was detained in custody at the Palace, in order, as usual, to force him to yield to the Durbar demands. He was, however, released under a protest made by Col. Shortt.

8. With regard to the Inam villages held by the firm, the Durbar have informed the Commission that they were confiscated as a matter of course on the cessation of the State's connexion with the firm,—thus implying that such confiscation was customary under previous Gaekwars. I am assured that this is not the case, and that several instances of bankers retaining their Inams after their business connexion with the State had ceased can be quoted. In some instances these grants were made by the Peshwa, and not by the Gaekwar. Moreover, they were for good service already performed, and not connected in any way with current monetary transactions. A reference to Case 57 of Schedule II. will show valuable evidence on this subject. In point of fact, His Highness Mulharrao is the first Gaekwar who has treated the banking and mercantile classes in the manner set forth in this and Case No. 37 of Schedule II. and others.

9. It is a significant fact that the Durbar has made no attempt to refute the serious evidence recorded in Case 1, Schedule III., and therefore it is submitted that the main facts therein set forth may be considered as fully proved; if not, the witnesses are present.

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CASE No. 4.

AMTA RANCHOD, banker, formerly of Baroda, now of Bombay, states:—I was formerly a Gaekwari subject, but on the 8th September 1869 I took the oaths of allegiance to the British Government, and became a naturalised British subject under Act XXX. (Bombay) of 18[illegible], the certificate of which I now produce.

In $\frac{\text{Svt. } 1924}{\text{A.D. } 1867}$ I was imprisoned, and my house and bank attached by H. H. Khunderao, on account of my not handing over certain property to my mother, which she claimed. I was imprisoned for four months, and on my release in $\frac{\text{Svt. } 1925}{\text{A.D. } 1868}$ the attachment on my bank was removed. I went to Bombay, and, having lived there the requisite time, made the statutory declaration, and became a British subject as stated above. When I was imprisoned, certain jewels of mine valued at Rs. 35,000, and "chits" of Government for Rs. 25,000, in all Rs. 60,000, were taken possession of by the Gaekwar. My house, but not my bank, in Baroda remained under attachment till $\frac{\text{Svt. } 1927}{\text{A.D. } 1870}$, when His Highness Khunderao visited Bombay, and at my petition promised to remove the attachment if I returned to Baroda. I therefore did so, but had to go shortly after on urgent business to Bombay. In the meanwhile my Goomasta received back the jewels, but reported that some, to the value of Rs. 4,000, were absent. I refused to receive them back, unless they were given back in full, and, acting on a letter of my Goomasta's, I proceeded to Baroda, and had an interview with H. H. Khunderao, who two months before his death gave orders that all my jewels, &c. should be replaced in my house, and the attachment removed. Before his orders were carried out His Highness Khunderao died, and I went to Bombay. Returning thence about three months afterwards, and my house being still under attachment, I petitioned His Highness Mulharrao, who at once took back the property which had been placed in my house, and continued the attachment thereof. This attachment continued in all for five years, viz., from 1867 to 1872, when, at the instance of the Resident, Colonel Barr, it was removed, but the

* Money lent to Sardars and others on Government security.

Rs. 60,000 worth of jewels and "chits" were not restored to me. I estimate further that in these five years I have suffered a loss of about Rs. 75,000 from cessation of my profits and interest in the banking business, my money and property being under attachment, and I myself being absent in Bombay.

In $\frac{\text{Svt. } 1928}{1870\text{-}1}$, Balwuutrao Raholkar, the Naib Dewan of H. H. the Gaekwar, deposited Rs. 70,000 with me at interest, and took my "chit" for the amount. In the following year H.H. Mulharrao demanded the whole of this sum from me, and on my declining to give it up unless I got my "chit" back, he attached the bank and house of myself and partner Gordhan, and kept them under attachment for four months, when, at the request of the Resident, on payment of the Rs. 70,000, and the return of my "chit" to me, the attachment was removed. We have suffered losses of Rs. 13,000 or 14,000 from this second attachment of our banking business.

The Durbar reserve cross-examination.

### Reply of the Durbar.

From the proceedings held during the administration of H.H. Khunderao, it appears that the final decision was in favour of Manikuvar (the step-mother of Amtabhai), admitting her claim for Rs. 50,181 against complainant. In accordance with this decision, Rs. 30,413 in cash, and ornaments of the value of Rs. 19,768, were given to her from the estate of Amtabhai. Though the decision had been thus enforced, the late Maharaj subsequently got back the jewels from Manikuvar, and deposited them with Amtabhai under guard. Manikuvar having made a complaint to the present Maharaj, and there being no reason for withholding them, they were restored to her.

### Final Statement of the Resident.

The arbitrary and unjust treatment of this banker has resulted in losses to himself and his firm which he estimates at Rs. 75,000 and Rs. 13,000 respectively. The Durbar do not attempt any reply to this part of complainant's case. They merely state that Rs. 50,000 worth of property has been returned to his mother-in-law contrary to the decision of H.H. the Gaekwar on the case, but when this was returned, whether within the last month or not, is not stated. The Resident submits for the consideration of the Commission that Amta Ranchod has established a *primâ facie* case for full inquiry, with a view to obtaining compensation from the Gaekwar.

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## Case No. 5.

1. Balvantrao Ganesh, Brahman, 35 years, Merchant of Bombay, states:—My father was Ganesh Sadaseo, and entered the service of the Gaekwari Government in the time of Seiajirao. He was employed in the Farnavis office from $\frac{\text{Svt. } 1876\text{-}92}{\text{A.D. } 1820\text{-}30}$, and was then made Farnavis, in which position he remained till $\frac{\text{Svt. } 1906}{\text{A.D. } 1850}$, when, on Tambekar becoming Dewan, he went to his home in Tanna. Remaining there for four years, he in $\frac{1910}{1854}$ returned on Tambekar's dismissal, and was made Dewan, which place he held till $\frac{\text{Svt. } 1917}{\text{A.D. } 1861}$, when he retired. In $\frac{\text{Svt. } 1914}{\text{A.D. } 1858}$, in consideration of his excellent services, generally during the mutiny, and specially in the matter of having the Gaekwar's Government relieved of the annual payment of three lakhs of rupees to the British Government, H. H. Khunderao conferred upon him a Sanad granting him the village of Davat in Baroda Purgunna, valued at Rs. 10,000 annually, in perpetuity to him and his heirs for ever, and specially declaring that whether the revenue realised became more or less, the difference was to belong to my father and his heirs, and not to the Government. This Sanad I produce. (The Gaekwar's agents admit the genuineness of the seals and signature of the Sanad.) My father retired in $\frac{1917}{1861}$ and died in $\frac{1922}{1866}$, during which time he enjoyed the village. In the following year Khunderao Maharaj attached the village on the ground that it was worth much more than the Rs. 10,000, at which nominal value it had been originally given. He also demanded back the original Sanad, and said that he would give us a fresh one for a village really worth Rs. 10,000, but by the advice of Colonel Barr, we kept our Sanad and all our papers. The attachment of the village continued till Khunderao's death in $\frac{1927}{1871}$. H. H. Mulharrao, by the advice of Colonel Barr, restored the village to us and paid us Rs. 30,000, the nominal annual rental for the three years during which it had been under attachment. The surplus, amounting to Rs. 43,200–15–0 we paid to H. H. as a Nazarana. One instalment of that year $\frac{1927}{1871}$, amounting to Rs. 6,400, had been collected when the village was restored, and that also was given back to us. Next year $\frac{\text{Svt. } 1929}{\text{A.D. } 1872}$, on the news of Colonel Barr's death being received, H. H. Mulharrao once more attached the village on the original ground that its value exceeded the Rs. 10,000 at which it had been granted.

The Dewan went to Colonel Phayre, the present Resident, and telling him that Rs. 10,000 was to be continued to us, has attached the whole village. We have received nothing whatsoever from it during the past year.

The Durbar agents have no questions to put, but promise a statement on the case.

### Statement of the Durbar.

We beg to hand in a written statement in reply of the case.

Instead of the written statement alluded to above, the Durbar agent makes the following statement verbally:—

At the time of the grant the revenue of the village was not Rs. 10,000, but Rs. 12,750. The

grant was evidently intended, as shown by the first part of the Sanad, to be for Rs. 10,000 only. The concluding words, "be the revenue more or less than Rs. 10,000," are unusual, and improperly inserted by the Minister. Khunderao Maharajdid not intend to carry out the terms literally, as appears from the fact that when he found the revenue of the village to be more than Rs. 10,000 he attached the village, and offered Rs. 10,000 cash annually, or a village of that value instead. Another Sanad granted for Rs. 10,000 on the same day to Govindrao Ropre, Chief Minister, and similarly worded to this one, was also revoked for similar reasons, and another village yielding Rs. 10,000 was granted instead. Nor is this unprecedented. The village of Konah, which was granted in terms much more unreserved, was resumed by this very Ganesh Pant, and the surplus revenue for 25 years past recovered from the holder. This was done with the approval of the Governor General. The Sanad for Konah does not mention the value of the village, and yet the holder was allowed to retain only Rs. 1,100.

When the village of Davat was restored to the sons of Ganesh Pant they were paid the arrears at the rate of Rs. 10,000 only, and the surplus of Rs. 43,200-15-0 was retained by the Durbar. The complainants improperly call this a "Nazarana," because a Nazarana is a round sum and not a fractional one. We are ready and willing to pay the claimants Rs. 10,000 annually, or give them another village of that value on condition that they continue faithful subjects of His Highness, and not act in defiance of the Maharaj.

The last point we would urge is that this very village of Davat, which had been granted previously in perpetuity to one Bahirji, was resumed by Khunderao in the time of Ganesh Pant against his (Bahirji's) will.

### Final Statement by the Resident.

Baroda, 30th December 1873.

The full particulars of this case are given in Schedule III., the most prominent feature being the direct and unreasonable violation on the part of the Gaekwar Government of the principle inculcated by the Right Honourable Earl Canning, in his Kharita to the Gaekwar of 6th February 1860, "that when the Gaekwar Government makes a grant of its own free will, the fact is "itself a guarantee for its continuance, because whatever your Highness has ever given cannot be "taken back."

The Durbar state that at the time of the grant of the village of Davat the revenue was Rs. 12,750 and not Rs. 10,000. This, however, is not so. The village realised that amount for one year it is true, because it was at that time customary to collect the revenue in kind, and prices being high for that year, the excess is accounted for, but it was not the normal revenue. Indeed, according to the average of 5 or 10 years which it is usual to take as a guide in such cases, the village was not more than Rs. 10,000 value when it was granted to the minister.

The case of the village of Konah which has been cited by the Durbar as a precedent in point has no analogy whatever with this case. It was granted as part payment of a palki allowance, which, as a rule, never exceeded Rs. 1,100 per annum. All excess therefore of that amount was ordered to be paid to the Durbar for some years before Ghaneshpant came into power. This payment of excess revenue fraudulently ceased, but was discovered by Ghaneshpant after a lapse of about 25 years, and a refund of deficient payment was then ordered to be made.

The instance of Govindrao Rohre, which has been cited by the Durbar to show that the resumption of Inams is not uncommon under Gaekwar rule, merely shows on what a precarious tenure the most distinguished servants of the Gaekwar Government have held hereditary honours and grants that are conferred upon them. No truer sign of want of fixity of principle and good faith can exist than this, and it is submitted that the fruits thereof are fully apparent in the present disorganized condition of the Gaekwar State.

Note.—The widow of Govindrao Rohre has protested against this resumption.

It is an element which is at work under the present Gaekwar in no ordinary manner, as the general attachment, or it may be said confiscation, of all Wuttuns and the wholesale spoliation of the Inams of bankers, Sardars, &c., fully testify, and we therefore trust that it may now be put a stop to.

Under the general head Sardars it will be necessary to offer a few remarks upon this subject, in consequence of what the Durbar have submitted to the Commission in their General Statement of 24th December 1873; in the meantime the Resident trusts that the Commission will uphold the valuable principle inculcated by Earl Canning, viz., that (except for some offence against the State) whatever the Gaekwar Government have given of its own free will, as set forth in Balvantrao Ganesh's Sanad, cannot be taken back.

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## Case No. 7.

### Bhanabhai Lalbhai.

The Durbar agent, to whom the complainant's case has been read over in the latter's presence, states that he is authorised to inform the Commission—1st, that his claim on account of the boundary stones supplied for the survey of Naosari shall be at once inquired into by the Durbar, and disposed of with as little delay as possible, and that such sum as is fairly payable to complainant on that account shall be disbursed to him.

2nd. As regards his claim to the of Wuttun which he alleges he was deprived in 1865, the same shall be duly inquired into, and, if substantiated, the Wuttun shall be restored to him.

FINAL STATEMENT BY THE RESIDENT.

26th December 1873.

Transferred to Schedule III., Case No. 7, where a full statement of it is recorded, showing that it was the Gaekwar Government which, in the first instance, refused to settle claimant's account, unless he signed a paper for a sum, of which he was only to receive half. It is submitted that this refusal on the part of the Durbar has been the cause of the 10 years' delay, and the loss and ruin that has overtaken the claimant; hence their obligation to make reparation as soon as possible.

2. The Durbar in their statement of 17th instant before the Commission, have made fair promises, but the claimant Bhanabhai has only a day or two since assured me that although, agreeable to the advice given him by the Commission, he has frequently attended at the Revenue Sir Sooba's office to have his account settled, he has been turned away by the officials there, and that he can get nothing done.

3. A reasonable time will be given before the Durbar's delay in fulfilling their promise is taken notice of.

4. It is worthy of notice that the main facts recorded have not been called in question by the Durbar; and without accepting the large charges made by the claimant as actually correct, still it is submitted as clearly proved that the case generally affords an instance of arbitrary evasion of just responsibilities, which had they been met in 1863, as they ought to have been according to the written agreement, the contractor would not have been so thoroughly ruined and persecuted as he appears to have been, both in the matter of his account and of his Wuttun.

5. It is this spirit of retaliation and revenge for complaining to the British authorities which has brought "business to a stand-still" with the Gaekwar Government, as Colonel Barton has happily expressed it; and I fear that if it is left optional with His Highness to do justice, or not, in matters where British merchants, bankers, and contractors are concerned, they will fail to obtain their reasonably just dues.

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CASE No. 8.

JETURAM OCHHAVRAM appears before the Commission and states that his brother Fattehram, late Fouzdar of Patan, is now in prison under sentence of the Fouzdar, having been convicted of torture.

On consideration of this case the Commission decide not to take the deposition of this Jeturam, as it appears that the original Fouzdar, Fattehram, has himself made no complaint in the matter.

The Durbar agents having had the case explained to them, state that they will defer their remarks on Fattehram's case.

The Durbar's remarks will be found on referring to the case of Parbhudas Parshotam, Schedule I., Case No. 10.

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CASE No. 10.

VASUDEV SHIVRAM, Parbhu, 48 years, of Baroda, states:—In $\frac{\text{Svt. } 1929}{\text{A.D. } 1872}$ I agreed to take the Vahivat of the Kural Mahal for five years. The Jamabandi thereof was about Rs. 1,06,000 annually, and I agreed to pay the Sarkar Rs. 2,000 more as Jamabandi than had previously been paid. I knew that in the survey formerly made, many ryots held lands unauthorisedly, from having bribed the Vahivatdar not to enter them as holding land. I intended to revise this survey, and so to realise the Rs. 2,000 extra. Nana Sahib Khanvelkar signed my appointment as Vahivatdar. In addition to the agreement above stated, I promised to pay Nana Sahib Rs. 2,000 "sukdi" for himself. This "sukdi" was a private payment, and was made to him to induce him to give me the place of Vahivatdar, and it was not till I had paid my Rs. 2,000 "sukdi" to him that he signed my appointment. I expected to recover this money also, by my revision of survey and entry of ryots who were unauthorisedly cultivating land. At the time of payment to Nana Sahib there were present Nana Saheb Khanvelkar, and on his behalf Govindrao Lakshman, Bhaskar Pant, and Balwuntrao. On my part appeared Khanderao Eshvant and one Gopal. The money was paid in cash into the hands of Bhaskar Pant, the Nana's Karkun. I saw no entry of this payment made in any account book. I got no receipt for it. I had two or three other matters on hand, and I therefore did not go to my Mahal for four or five months. I merely sent my agent to conduct the business. I took from the Sir Sooba, when I did go, surveying chains, &c., and began to take portions of surveys in some, viz., 12 villages, but the Patels came to me, and promising to pay me certain sums in excess, induced me to stop my operations. I did not consider that I was accepting a bribe from these Patels in doing this. I did not realise anything from my vahivat that year. I had not been in possession more than 10 months when the Sarkar sent a Karkun, Baburao Krishna, to dispossess me. I do not know why. This Karkun forbade the ryots to pay me anything. They obeyed him, and my "chits" which the Patels gave me to stop the survey are useless to me, as they won't pay them. I came to Baroda and complained to the Nana Sahib, and requested him to return my "sukdi" or to help me to realise my chits. A month before this Nana Sahib had taken Rs. 1,000 "sukdi" more in advance from me, and because I had not paid the second Rs. 1,000 in advance, he sent the Karkun to relieve me. Nana Sahib promised to put this Karkun away, but he never did so, and I cannot realise my money. I have two or three times made written petitions to the Maharaj on this subject, but have had no answer from him.

The Durbar agents reserve cross-examination.

REPLY OF THE DURBAR.

The "sukdi" was received in the Jamdarkhana, and not by the Dewan.

The Karkun who was sent to take charge of the Mahal was sent in consequence of complainant having embezzled Rs. 16,000 of public money.

We deny the second payment of Rs. 1,000 "sukdi" altogether.

FINAL STATEMENT BY THE RESIDENT.

The Commission will not fail to observe that not a single question was put to this witness in cross-examination, and that under these circumstances the mere statements of the Durbar are entitled to little or no weight. If the complainant had embezzled Rs. 16,000 of public money he might have been convicted and sentenced according to law. As no proceedings whatever were taken against him the inference is obvious, that no crime was committed at all.

The Resident begs respectfully to represent that the present case was brought forward, not so much for the sake of procuring the petitioner individual redress, as of illustrating a system which has done more to demoralize the revenue administration than anything else. The farming system is, under any circumstances, the worst that could be devised for the happiness of the agricultural population; but when the farmers themselves hold their farms on the most precarious tenure, the collection of the revenue becomes a mere scramble amongst the officials, each one doing his best to collect the largest amount of revenue during his tenure of office.

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CASE No. 13.

VALLI TAR, Memon, 28 years, Vakil, resident in Amreli Mahal, of Kattywar, states:—I am Vakil on behalf of the Thakors of Manpur. About eight months ago I made a petition to the Resident in their case, who referred me to Colonel Walker at Amreli. I proceeded thither, and stated my case to him. The case went on there for one and a half or two months, when I returned to Baroda. I used to go to the Resident daily. Some 10 or 12 days after my return Appa Sahib called me to the Fouzdari, where Balwuntrao Yeshwunt asked me if it were true that I had made petitions to the Resident, and that I was in the habit of seeing him daily. I admitted both points, and was thereupon sent by him to the Court of Balwuntrao Dev and Narayenbhai, before whom the same questions and answers were asked and given. Balwuntrao sentenced me to 10 years' imprisonment, informing me at the time that it was for making petitions to the Resident. I was sent to the Fouzdari, and all my daftar and papers were seized. I remained 15 days in the Fouzdari, and was then released by the order of the Resident, to whom one of my men had made a petition. I received my daftar, &c., on release, and signed a receipt for them, but found on inquiry and search into them that powers of attorney, letters, and other papers were missing. Since about five months ago I have lived within camp limits at Baroda.

The Durbar agents reserve cross-examination and statement.

The Fouzdar Balwuntrao Yeshwunt is present, and states that the complainant was brought before him, charged with making improper petitions against the Maharaj, and that after inquiry he sent the case up for disposal to the Court of Narayenbhai and Balwuntrao Dev.

REPLY OF THE DURBAR.

On the information of Mansukh Garwar, to the effect that Valli Tar had preferred a complaint falsely calumniating the Durbar and officers, and that the draft of it would, if his house were searched, be found, the police were directed to make the necessary search.

They accordingly seized all the papers they could find, and brought them and Valli Tar up. He was kept under surveillance, and his papers were examined and inquiry made. In the meantime the Resident interfered, and recommended his release. He was accordingly discharged, and his papers were returned to him.

Balwuntrao Dev, Narayen Bhai, and Fouzdari officers conducted the enquiry.

Complainant's assertion of being threatened with 10 years' imprisonment is false. As to the allegation of his papers being detained, they shall be, if he describes them, looked for and returned if forthcoming.

FINAL STATEMENT OF THE RESIDENT.

There can be no doubt that the petitioner in this case has been grossly ill-treated by the Durbar officials for making representations to the Resident. Not a single question was put to the petitioner in cross-examination, and his complaint may be accepted as substantially true. This case, as also that of the Naosari petitioners and that of Syad Sadak Ali, show that organised attempts have been made by the Durbar to deter petitioners from coming forward, to terrify those who have already complained.

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CASE No. 14.

DALPAT PREMABHAI, Brahman, 35 years, Jamindar of Morthan, Olpad Taluka, Surat District, states:—In the month of $\frac{\text{Jeth Svt. 1928}}{\text{June A.D. 1871}}$, I, in company with two other men, Sankar Lalaji and Daji Pandurang, entered into a written agreement with the Gaekwar's Government to take the vahivat of the Vasravi and Galla Mahals of the Naosari Prant for five years. We were to pay Rs. 10,000 during the first year in excess of what previous Vahivatdars had done, by raising the

revenue in a more careful way, and looking more closely after cultivation. The Vahivat was to be continued to us for five years, and it was distinctly so stated in the written agreement. It was not stated, so far as I can remember, how much revenue in excess of previous years we were to raise during the second and subsequent years of our tenure. In addition to this I agreed to give a Nazarana of Rs. 5,425 to Nana Sahib, the Minister of the Gaekwar, while my two partners were to furnish the security required by Government for our carrying on the work properly. We were in joint management of the Mahals for one and a half months, and my partners not having furnished the security, we were then deprived of it, and it was handed over to another person. I paid the Nazarana in two sums to Nana Sahib through my cousin Shivram Valabh, the first sum of Rs. 2,000 being paid at Naosari, and the second of Rs. 3,425 at Baroda. Shivram informed me he had paid them, but produced no receipt from the Minister. I was not present when the money was paid. All that I want now is, as I have been turned out, to get back my Nazarana of Rs. 5,425. I have never asked Nana Sahib to give me the money back, and the only effort I have made for its restoration is my petition to Mr. Hope, the Collector of Surat, which was sent to the Resident here. I misunderstood the question above put to me about asking for the nazarana back from Nana Sahib, and I now state that, previous to the petition being made, I did go to Baroda and ask Nana Sahib to give me the money back again. I understood the question to be whether I had made any effort to get it back since making the petition.

The Durbar agents decline to cross-examine, and state that in consequence of communications, both verbal and written, between the Maharaj and the Resident, the complainant was repeatedly summoned, through the Resident, to appear before H. H. the Gaekwar with the proofs of his complaint, but that in consequence of his failing to do so, his case has not been inquired into.

SHANKAR LALAJI, Brahman, 47 years, Vahivatdar, resident of Dhoral Pardi, in Naosari Prant, states:—In $\frac{\text{Svt. } 1928}{\text{A.D. } 1871}$ I took the farm of the Mahals of Galla and Vasravi in Naosari, in company with Dalpat Premabhai and Daji Pandurang, but I know nothing of the details of the agreement or nazarana. My cousin and sub-sharer, Dallo Khushal, can state fully all about the matter.

The Durbar agents have no remarks to offer.

DALLO KHUSHAL, Brahman, 39 years, Vahivatdar, resident in Dhoral Pardi, Naosari, states:—Shankar Lala is my cousin. In partnership with him and others I took the farm of the Vahivat of Vasravi and Ghalla for $\frac{\text{Svt. } 1929}{\text{A.D. } 1872}$ in 1871. I paid, to secure the Vahivat, a Nazarana of Rs. 6,500 to Nana Sahib, in three sums, Rs. 2,000 in Naosari, and two sums of Rs. 3,425 and 1,075 in Baroda. The farm remained with us for one and a quarter months, when it was taken from us through adawat (enmity). I came to Baroda to ask for my Nazarana back, and Nana Sahib imprisoned me for one day and one night, when I was released on security and told to go to Naosari.

*Cross-examined by Gaekwar's Agents:*—It was stated in the agreement that securities were to be furnished within one month from the date thereof, and I offered them accordingly, but the Government would not take them. I made no complaint to the Maharaj in this matter. No one would admit me to the presence of the Maharaj, and when I complained to Nana Sahib he put me in jail.

The Durbar offers the same remarks as in Dalpat Prema's case, with the addition that the reason for imprisoning him was that there was a deficiency in his accounts, which he had embezzled, and this he was asked to make good.

## FINAL STATEMENT BY THE RESIDENT.

Dalpat Premabhai, Shankar Lalaji, and Dallo Khushal appeared before the Commission on the 10th December, when their evidence was taken, to the effect that they altogether paid to the Minister, Nana Sahib Khanvelkar, the sum of Rs. 11,925, as Nazarana for the privilege of farming the Vasravi and Galla Mahals of the Naosari District for five years, but that they had been deprived of their farm within one and a half months, and consequently prayed that their money might be returned.

2. I merely brought forward this case, with others, to prove that the Minister has been in the habit of selling Vahivatdar's appointments; and had the Commission considered it necessary to go fully into the case, as recorded in a *primâ facie* form before the Resident, complete proofs of the nature and details of the transaction would have been afforded.

3. Dalpat Prema was an unwilling witness. On the 18th August he endeavoured to draw back from his original complaint made before Mr. Hope, and it will be remembered that before the Commission he at first declared he had never asked the Minister, Nana Sahib, to return his money, but that on my producing his original petition, in which he clearly stated tha the had gone to the Minister to ask for the money back and was threatened with imprisonment for so doing, he got out of the dilemma by saying that he understood the question to refer to a period subsequent to the date of his first petition of June last. This, however, can scarcely be true, as he used the word "never."

4. His partners, who are Baroda subjects, have not been tampered with, and are ready to prove their case whenever they may be called upon to do so.

5. Referring to the Durbar's remark that Dalpat Prema had not been sent up to them by me for examination, the reason for not doing so will be found in para. 4 of my letter to Govt. No. $\frac{173}{852}$, dated 18th September, copy of which was forwarded to the Commission with my memo. No. 1083, dated 4th instant, in which I brought to notice the impossibility of subordinates sitting in judgment upon the acts of a superior, that superior being the Minister of the State, in full possession of his ministerial duties.

6. The specimen cases of bribery and corruption in the Pitlad District, as set forth in my letter of 16th September last, to the address of H. H. the Gaekwar, which accompanied the letter to Government above quoted, would, if called for by the Commission, have afforded further valuable proof of the extensive scale upon which local subordinates, from the Vahivatdar down, are obliged to extort money in various ways in order to reimburse themselves for their heavy payments to the Minister and other Durbar officials.

7. Complaints, therefore, against the system of Nazarana and sale of offices are justly universal throughout the Gaekwar's dominions. The Vahivatdar of a Mahal is not simply a farmer of land revenue, but is the sole executive and judicial authority of the district. There is in each district a Fouzdar and a Munsiff, but their functions are confined to the preparation of cases for decision by the Vahivatdar, and thus the office of Vahivatdar acquires an importance which is unknown in our districts. In fact, the entire authority of Government on the spot in the Revenue, Civil, and Criminal Departments is centred in him. The pay of the appointment is generally small, and when we take into consideration the fact that large sums are offered to obtain these posts, that every other office of importance is sold to the highest bidder, and that bribery and corruption prevail in all quarters, it is hardly to be wondered at that people are oppressed, that justice is sold, life and property is insecure, and, in short, that the whole machinery of Government is obliged to have recourse to unlawful means to extort money from the people.

8. The remarks in the two preceding paras. apply to the whole group of bribery cases as exhibiting their effects upon both the Revenue, Police, and Judicial administrations, in all of which violence is resorted to, to extort confessions and agreements, as well as money.

### Destruction of Crops by Deer.

With reference to the destruction of crops by deer preserved for His Highness the Gaekwar's sport, certain cultivators have come before the Commissioners, and made statements about their losses, which the Commissioners have heard in the presence of the Durbar agents, who make the following statement as to what they have done to mitigate the evil complained of.

The Resident first represented that the ryots complained of the injury to their crops, and recommended that the keepers should be removed from the villages. The ryots of four villages made a petition to the effect that if the "Chokis" (establishment of keepers) were removed from two villages, Gamri and Mahamadpur, they would not obstruct or injure the deer. The keepers were removed thence. The villagers have since kept five men of their own to drive the deer away from their fields. In accordance with the Resident's advice we are willing to allow all villages to keep men to drive away the deer, and to remove our establishment of keepers. All that we can do to alleviate the evil we are willing to do.

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## APPENDIX H.

### CONTINGENT—KATTYWAR.

No. 4171 of 1873.

From J. B. Peile, Esquire, Acting Political Agent, Kattywar, to T. D. Mackenzie, Esquire, Secretary, Baroda Commission.

Sir, Dated 13th December 1873.

I am still waiting returns from Colonel Walker, Superintendent of the Gaekwar's Contingent in Kattywar, in answer to the heads 1, 2, and 3 of your letter No. 10, of November 19th. I will send them as soon as I receive them. I do not possess information as to the Pagas, their constitution or division.

2. But I forward without further delay the following papers:—

(1.) A distribution list of the Contingent in Kattywar, as it was last March.

(2.) A memorandum written by me, which answers your head 2nd.

Captain Wodehouse, „ Salmon, „ Russell, Mr. Aston — Assistant Political Agents.

Captain Scott, Special Officer of Police.
Lieutenant Baird, R.E., Captain Pullan — on Survey duty.
With some copies from my records.

(3.) Reports from various officers on the efficiency of the Contingent as a Military Mounted Police.

3. The reports give the experience of all the officers consulted so clearly, and are so unanimous, that I can write nothing which will not be better learnt from a perusal of them.

4. In my own memorandum I have confined myself to a practical plan, which shows every measure and rule necessary to make the Contingent such a force as the Military Mounted Police of Kattywar should be.

5. If a reform of this nature is carried out, a Commission of Military Officers will be necessary at first to review and, as far as needful, condemn the men, horses, and arms in use.

I have, &c.,
(Signed) J. B. Peile,
Acting Political Agent.

Kattywar, Political Agent's Office,
Camp Dussada, 13th December 1873.

MEMORANDUM for reconstitution of His Highness the Gaekwar's Contingent in Kattywar.

The two leading facts about the Gaekwar's Contingent in Kattywar present this contrast, that whereas His Highness pays (and pays regularly) nearly a sufficient sum for efficiency, the Contingent is totally useless as a Military Police.

There is therefore no need for any large increase of recurring expenditure, though a large sum will be needed to make up defects at starting.

There are two great causes of inefficiency in the Contingent:—(1), its want of subordination to the officers it serves with; (2), its bad organisation and equipment.

First, as to Subordination.—The Contingent is commanded by a Gaekwari Sooba, and superintended by an officer, who is also Assistant to the Resident of Baroda, and has jurisdictional duties in His Highness the Gaekwar's Amreli Mahals. The head-quarters of the Contingent are at Manekwara (not far from Junaghur), in Kattywar, but the Superintendent as a fact lives at Amreli.

*Command and Superintendence.*

The Sooba (so Government has ruled) must continue to command. But it is clearly not good to have an officer who takes his orders from Baroda, and is not one of the Kattywar staff, to superintend or watch the Contingent, on behalf of those who have to rely on it, viz., the Political Agent and his officers. And the head-quarters of the Mounted Police should be at the head-quarters of the Agency at Rajkot.

Government assumes that the new Special Officer of Police will command the renovated Contingent in Kattywar. He will certainly use them, but as he will probably not be posted at Rajkot, and as he will be much on the move, I suggest this alteration as preferable:—The Superintendent of the Gaekwar's Contingent in Kattywar should be the Personal Assistant of the Political Agent, who should be a military officer, and should also hold the office of Station Magistrate, Rajkot. I would also stipulate, if the Sooba is to be *de facto* commanding officer, that he should be invested with full powers under the observation of the Political Agent and Superintendent, and not checked and trammelled by spying Karkuns and independent Silledars, in the manner exposed in the papers appended.

*Distribution.*

The Superintendent should conduct the business of the force at depôt head-quarters, and the Prant Political Officers should communicate with him as the officer in charge of this duty.

I would then have—

| | |
|---|---|
| Depôt head-quarters - - - - | Rajkot. |
| Prant head-quarters— | |
| Jhalawar - - - - - - | Wadwan. |
| Gohelwar - - - - - - | Songhad. |
| Sorath - - - - - - | Manekwara. |
| Hallar - - - - - - | Rajkot. |

*Formation.*

The Contingent should be divided into five troops, each complete with its officers. One to be at the depôt and one in each Prant.

Each troop to number (men and officers) 120, or 600 men in all. The Special Officer of Police should have besides 20 men and 5 officers.

The depôt troop to be maintained for relief purposes, and be kept at special drill. It will also furnish the Political Agent's escort.

*Control.*

The Prant troops to be at the orders of the four Political Officers, each in his Prant.

The Assistant Political Agent will (subject to the Political Agent) decide where the men are to be posted, and how employed in his Prant. He will also closely supervise their pay, discipline, drill, cleanliness, arms, ammunition, clothing, and communicate on these subjects with the Superintendent at Rajkot, who will have everything claimable under the treaty, or rules in force, promptly supplied, but duly consulting the Sooba.

*Trial of Offences.*

A code of rules to be issued to decide what minor offences the Political Officer of the Prant may punish summarily, and what will be tried by the Sooba. In any of the latter (serious) cases the Political Officer to be authorised to arrest the sowar, and send him in custody to Rajkot. All non-military offences to be tried by the Criminal Courts of the Agency.

*Casting Horses.*

The Prant Political Officer to have a right to object to any of the horses he thinks unserviceable, which must be cast and replaced if the Superintendent concurs with the Prant Officer. If they differ, the Political Agent to decide.

*Selection of Men.*

No hereditary claims to serve as sowars can be allowed, and the men must all be of military age, not old men or boys, as some of the present sowars are. The Superintendent, if supported by the Political Agent, to have the right to insist on any man being discharged as inefficient, and to refuse to pass any new man enlisted.

*Disbursement of Pay.*

The pay of all ranks to be disbursed regularly through the Rajkot and Prant treasuries. If funds are not otherwise provided, the disbursements to be debited against the Gaekwar's tribute.

*Constitution of Troops.*

Each troop to consist of 100 privates and 20 officers. The full complement named in the margin may be somewhat modified, but a large number of subordinate officers is needed, because the troops will be split into many small parties on duty at the Thanas. The officer of the depôt troop should have somewhat higher pay as Rasaldar Major, &c. These officers, or a large part f them, to be trained soldiers.

| | |
|---|---|
| 1 Rasaldar. | 4 Dafedars. |
| 1 Rasaidar. | 8 Naiks. |
| 1 Naib Rasaldar. | 1 Farrier. |
| 1 Jemadar. | 1 Trumpeter. |
| 1 Kot Dafedar. | 1 Writer. |

*Horses.*

The whole force to be mounted on mares or geldings (which do not scream when strange horses are approached), and to be one-horse Silledars, finding their own horses. Suitable horses can be obtained in Kattywar for from 150 to 200 rupees

*Uniform.*

Uniform to be left for decision; but that of the Reformed Horse would do. One part of it should be a horseman's cloak for night patrols.

*Arms.*

The men to be trained to act either on horse or foot. To be armed with carbines and good native swords. Officers to have double-barrelled breech-loading pistols (Adam's).

The carbines to be of some pattern (Enfield's) used by British cavalry, so that supplies of them and of ammunition can be always easily got. The double-barrelled carbine of the Sind Horse is said to be a good weapon, but is probably difficult to get.

*Ammunition.*

A depôt of ball and blank cartridge to be kept at each Prant head-quarters, and a larger stock at the depôt head-quarters. The men to be exercised in firing blank and ball in the Prants, as opportunity offers, and at Rajkot regularly. Ammunition to be obtained on payment from the Government arsenal, and debited to the Gaekwar.

*Pay.*

The sowars to receive Rs. 30 per mensem, and the officers the rates of the British cavalry. No bargirs to be allowed.

*Leave and other Rules.*

Leave rules to be those in the British service. Special rules or other matters of detail to be adopted from those for the Sind Horse. Horse Fund and other deductions to be made according to the rules of the Sind Horse.

In proposing a total force of 625 men I have not provided for His Highness the Gaekwar's Mahals in Kattywar. Nor will any of these 625 be available for miscellaneous escorts, *e.g.*, of survey parties, educational inspector, vaccinators, infanticide censors, &c. For these perhaps a lighter class of sowar with sword only and on lower pay should be employed. The whole number of the Contingent is 900, and probably should be 1,000, considering the size of Kattywar; so I have left a margin of either 275 or 375 sowars for the above purposes.

(Signed) J. B. Peile,
Acting Political Agent.

Kattywar, Political Agent's Office,
Camp Dassara, December 13th, 1873.

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Rules for the Guidance of the Officers and Kamdars appointed to the Contingent of Horse of His Highness the Gaekwar, serving in the various Tributary Mahals according to Treaty.

I.—Formation.

1. A body of the Contingent to be stationed at each of the principal stations or cantonments, which shall be divided into companies of 100 men each, composed as under:—

| | |
|---|---|
| 1 | Subadar. |
| 4 | Jemadars. |
| 1 | Havildar Major. |
| 4 | Havildars. |
| 4 | Naiques. |
| 4 | Sub (or Lance) Naiques. |
| 1 | Standard bearer. |
| 1 | Nugarjee. |
| 1 | Nowbuttee. |
| 1 | Trumpeter. |
| 78 | Sowars. |
| 100 | Total. |

## II.—Muster.

1. The muster of the sowars to be taken twice a day by the Havildar Major. Any absentee to forfeit his day's pay unless he can show satisfactory reasons to the Commanding Officer for his absence.

2. Any sowar of whom it is certified by the Medical Officer that he is unable by reason of sickness to attend muster may be granted leave by the Commanding Officer, and will be placed under medical treatment.

3. A general muster of the sowars is to take place every month, and any horse found "unfit" for service will be struck off the rolls. If, however, any horse is in such condition that, though not absolutely unfit, it is capable of improvement, it is to be placed on a "sick roll" and looked after, after which if it does not improve, orders shall be issued for its being replaced within the space of two months, its substitute being entered on the muster roll. Strict orders should be given that the unfit horse is not to be used anywhere within the limits of the "sushkur" so as to prevent the possibility of its ever coming again on the strength of the corps.

4. A Silledar, in the event of his horse dying, will be allowed two months' time to replace it, and the new horse is to be duly entered on the muster roll.

## III.—Pay.

1. The pay of the Bargir sowars stationed in Kattywar is fixed at eight rupees, as long as the dearth continues. The sowars stationed in the other Mahals will receive seven rupees at least each.

2. The Pagadars and Silledars are to pay the Bargir sowars under them in the presence of the Sooba or his Kamdars.

3. The officers in charge of detachments on duty at the different Thannas will pay the sowars and take their receipts within 15 days after the issue of pay at head quarters.

## IV.—Dress, Discipline, &c.

1. It is the duty of the officer who may be in charge of a company to see that the sowars take proper care of their dress, accoutrements, &c. The Sooba or his Kamdar should also make personally an inspection of the same every month.

2. When practicable, two companies of horse (the tours being taken by the different companies in succession) should be stationed at head quarters with a view to efficiency and fitness for service being kept up.

3. The supply for each horse will be eight seers of grain and 15 seers (weight) grass.

4. A sowar despatched on emergent duty from one principal station to another must return without delay after discharging such duty. With a view to prevent any evasion of this rule, the Kamdar of the station to which he is sent is to give him a certificate showing the date on which he was directed to return, which must be produced before the Commanding Officer on rejoining.

## V.—Escort of Prisoners.

1. Prisoners guilty of heinous offences, should on removal from one place to another, be sent in carts, with their hands and feet chained. Prisoners guilty of minor offences need only have their hands chained, their arms being tied with a rope or cord and thus secured; one or two may be conducted by one guard. The villages are to provide a proper watch (in conjunction with the escort) and accommodation, as mentioned in an enclosure to Durbar yad No. 643, of 1864 in reply to the Residency yad No. 179 of the same year. If a prisoner is to be sent a greater distance than 6 koss, an escort of not less than a Sub-Naique's party must be furnished, together with a perwana from the British authority.

2. A prisoner when being conveyed from a halting place must be attended as specified in the 1st section.

3. A prisoner requiring to perform the calls of nature on the march, shall be properly escorted and carefully guarded.

4. At halting places, a prisoner pressed by the calls of nature in the night time shall be taken out, with a rope tied to his arm, by a watchman or sowar, notice being given.

## VI.—Duty.

1. The sowars should be ready for service whenever ordered by the British Officer, and should be told explicitly by their superior officers the nature and probable duration of the duty to be performed.

2. A sowar entrusted with delivery of post or any important despatch should execute his commission promptly and without negligence, in failure of which he should receive a commensurate punishment.

3. The following is laid down as the strength of the different parties of sowars:—

| | | |
|---|---|---|
| Sub-Naique's party | - - - | from 4 to 8 sowars. |
| Naique's do. | - - - - | from 8 to 16 ditto |
| Havildar's do. | - - - - | up to 20 ditto. |
| Jemadar's do. | - - - - | up to 25 ditto, with full complement of non-commissioned officers. |

4. When any duty is to be performed, the Kamdar must give notice to the Subedar, and it will be the duty of the Havildar Major to warn the sowars. Should, however, no officers be present with the party, one of the sowars must perform the duty ordered.

5. All duties ordered by the British officers shall be carried out by the sowars in turn according to roster.

6. The officer commanding or in charge of a company must keep a roster book and conduct the duty agreeably to the above rule.

7. The sowars are to obey the orders of the officer under whom they may be detailed for service in the same manner as those of the Subadar.

8. Any sowar disobeying this rule is to be reported to the Subadar, and the case shall be inquired into and dealt with under the orders of the Subadar.

## VII.—Escort of Treasure.

1. For the protection of treasure an escort should be sent according to the orders of the British Officer. But it shall be at the discretion of the Kamdar of the Gaekwar's Government (consulting that officer on the same) to send a larger party than that ordered.

2. At halting places the treasure should be kept in a spot to be pointed out by the Patel of the village, and the sowars in charge should use all vigilance in conjunction with the authorities of the village, who will provide a suitable watch for the said treasure. An order or pass, to the effect the villages are to provide proper watch and accommodation for the party in charge, should be furnished by the British authority.

## VIII.—Leave.

1. Any sowar will be granted leave on a certificate being given by the Medical Officer.

2. If a sowar on Thanna or detachment duty fail sick, he may return to his head quarters on receiving the permission of his Commanding Officer, who will communicate with the Thanadar or Mehta on the subject.

0. If a sowar be refused such permission he may report it to the Subadar of his company, who will, if proper, bring it to the notice of the Sooba and replace him by another sowar.

4. A sowar going on sick leave without his horse will be given at most one week's grace after the expiry of his leave, after which time if not present his place will be filled up.

5. All men are to rejoin within the term of their leave, and if an extension is required, application must be made for its sanction before the expiry of such leave.

6. Every sowar going on leave must procure a certificate from the Sooba showing the date up to which he has permission to be absent, and whether he has provided a substitute or not.

7. A sowar may be granted leave for one month without substitute by the Sooba, if he has completed one year's uninterrupted service. If he require a longer period his application must be submitted for the orders of the Senaputty.

## IX.—Offences.

1. If anyone connected with the Contingent of Horse infringe any of the above rules or fail in his duty, the Sooba or his Kamdar is empowered to inflict a fine on such person to the extent of three months' pay, or simple imprisonment up to three months. If, however, the offence is considered deserving of severer punishment than it is in the power of the Sooba to award, the case may be submitted for the decision of the Senaputty.

2. The Sooba must prepare and submit, as soon after the 1st of each month as possible, a defaulter roll containing an abstract of the offences committed and the punishments awarded.

3. The Sooba, if he deem it proper, may suspend a sowar or Umuldar, reporting the matter for the consideration of the Senaputty.

4. The Sooba or his Kamdar on awarding punishment of imprisonment shall direct the Karkhanedar, to whom the offender is amenable, to carry out the sentence.

5. The Sooba or his Kamdar may release an offender on bail if such a course is not deemed objectionable.

## X.—Contracts.

1. No one serving in the Contingent is to be allowed to take up or give contracts for the horses or Karkhana.

## XI.—Reliefs.

1. The reliefs of the sowars on duty at the different Thannas must be carried out once a year, but the Sooha may at his discretion order them oftener, reporting his having done so for the information of the Senaputty.

2. The reliefs as above mentioned should always be made by the Sooba in conjunction with the officer in immediate command of the whole body of the Contingent serving in the Mahal, and never without.

3. The Officer in command or charge of each company must superintend the muster of his company morning and evening, and report accordingly to the Sooba.

No. 10 of 1874.

From J. B. PEILE, Esq., C.S., Acting Political Agent, Kattywar, to T. D. MACKENZIE, Esq., C.S., Secretary, Baroda Commission.

SIR,

IN continuation of my letter No. 4171 of 13th December, I have the honour to forward a report and returns received from Colonel Walker, Superintendent, Gaekwar's Contingent in Kattywar. I do not concur with Colonel Walker in his opinion of the condition of the men and horses, and I do not admit that the horses are overworked, or that their overwork is sufficient to account for their condition.

I have, &c.,
(Signed) J. B. PEILE,
Acting Political Agent.

Kattywar, Political Agent's Office,
Camp Wudwan, 6th January 1874.

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No. 68 of 1873.

From Colonel C. W. WALKER, Superintendent, His Highness the Gaekwar's Contingent, Kattywar, to the ACTING POLITICAL AGENT, Kattywar.

SIR,

Camp Rajkot, 30th December 1873.

I HAVE the honour to forward for the information of the Baroda Commission, as requested in your letter, No. 4030, of 24th ultimo, a statement of His Highness the Gaekwar's Contingent in this province.

2. Also a copy of the distribution return of the force made up to December, marked B.

3. The condition of men is in a large proportion fair. There are some elderly Silledars. These are usually put on easy duties, chiefly at head-quarters. They are old servants, and, not having sons or near relations to put in who would provide for their maintenance, and being still able to carry on light work, looking after grain, grass, accompanying Government stallions, &c., have been allowed to remain. Their number is being gradually reduced, and Bargirs are substituted, when such an arrangement can be made without much hardship to old servants of the State.

4. The condition of the horses is variable and is good or bad according to the amount of work given them, and depends much on the season of the year, whether fodder is good or bad, the season healthy or otherwise at the station where employed. As a general rule the horses are much overworked, and, being distributed in numerous small outposts, cannot be well looked after by the officers of the force. Considering all things, I may say the horses are in fair condition, and, in many instances, when an intelligent interest in the animal is naturally taken by officers under whom they are employed, I find the horses in good condition, owing, I believe, to their not being harassed by long, rapid, and often unnecessary marches, carrying dawks, &c. in the hot weather where the Government post is available.

5. As my Annual Report for 1871, to the Resident, contained my sentiments then, and conveys those I still hold on the contingent, I beg to attach extract paragraphs 9 to 24 from that document. Copy of paragraphs 17 to 22 was sent to the Political Agent by the Acting Resident, with his letter, No. 1077, of 1st November 1872, but, as I am not aware of anything further having been done in the matter, a reference to the table B will show the way in which the men are now employed.

6. I beg to state distinctly that, in my opinion, we have only ourselves to blame for any fault which may be found with the Contingent. Except in the way of dressing the men, I have always found the Durbar ready to assist in keeping up the efficiency of the force. Overwork not only tells on the horses, but breaks the spirits of the men.

7. I have asked for increased pay to enable the men to feed their horses better, and in some way enable them to perform their far too heavy duties; but, if work were reduced, the horses could be kept in good order even on the present pay of the men, and admit of the Silledar supporting himself and family. I do not think any of the Durbars in this province give more than Rs. 25 to their sowars. Some of them give less, and the men of this force receive monthly Rs. 29 Babasai, equal now to Rs. 25 of British currency.

8. The Agency Mohsali sowars, called Kala-Dagla-wallas, are paid Rs. 30, but they are a small body of men and paid from the Mohsali funds.

9. Of course, in these expensive days I should be glad to see the contingent better paid, but I do not think the measure absolutely necessary; a Silledar can now feed his horse with, daily, 8 lbs. of bajri, the only suitable grain to be had in many parts of the country, and 1,000 bundles of grass monthly, for about Rs. 11 per mensem. His horse may require a little "gūr," and his horse-kit may cost a small sum in repairs, in all about a rupee a month, leaving him, if he rides the horse himself, Rs. 13, or, if he finds a Bargir at Rs. 8 Babasai, Rs. 6-12-0 British currency, per mensem about Rs. 6-4-0. It must, however, be taken into consideration that in some of our districts grass is more expensive than in others, and the owner of a horse dying or becoming unfit for service has to replace it. This measure is made lighter by the owner subscribing monthly to a fund which assists him and keeps him out of the Shroff's hands. He is also allowed two months in which to provide a fresh horse, the pay of the period going to help him in the purchase.

10. The rates of pay are shown in the detailed statement (marked A).

11. Pay is most regularly disbursed by the Sooba monthly, a large sum always remaining for this purpose in the Manikwara treasury, supplied from the Amreli Mahals.

12. I beg to point out that the Contingent is divided into nine companies, and that the officers and non-commissioned officers are proportionately distributed in their companies. These have been given rank, but without increased pay.

13. In conclusion, I take the opportunity to state that I have always received the greatest attention to my representations connected with the discipline of the force from the Durbar and His Highness the Gaekwar's present Sooba, Gajajirao Khanvelkar, and his Dewan, Kasipant.

I have, &c.,
(Signed) C. W. WALKER,
Superintendent, His Highness the Gaekwar's Contingent,
Kattywar.

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EXTRACT from the ANNUAL REPORT of 1871 from Colonel C. W. WALKER, Superintendent of His Highness the Gaekwar's Contingent in Kattywar, to the Address of the RESIDENT at BARODA.

Para. 9. The men are, as you are aware, paid in the Babasai rupee, the value of which is now greatly depreciated. At the present rate of exchange, were a Silledar in receipt of Rs. 30 as supposed by you, this figure would only represent Rs. 24–6–0 of our money, a sum from which it is almost impossible for a Silledar to keep himself, family, and horse in any part of this province.

10. I observe that this is one of the subjects treated by Lieutenant-Colonel Parr in his annual report during my absence in England.

11. The present pay of the Contingent, taken in connexion with the duties now required of the force, is the difficulty against which we have to contend. On this latter subject I shall enlarge further on.

12. In Kattywar, as you are aware, from local experience, there are enormous numbers of horsemen in the employ of all the States. In a few, small numbers are dressed in uniform, but the vast majority are, like this Contingent, excepting the troop of Reformed Horse, allowed to dress as they like. I think it would be very advantageous if His Highness' Contingent could be in some way distinctively marked by a cheap uniform. The men would be led to have more respect for their position as sowars of the "Maharaja," and would be more respected in the province. A pagri and kammarband of an uncommon and therefore distinctive colour would, I think, be sufficient, with white angarkha and drawers. This would not cost His Highness anything, as the men must wear pagris, &c., and they can as easily have them of a uniform colour as not. An order, also entailing no extra cost on His Highness, might also be issued directing the Silledars, when providing horse equipments such as "ghashia," "jerband," and bridle, to have them of a uniform colour to match the pagri.

13. The troop of Reformed Horse is at present well dressed and fairly equipped in every way. The men are not "picked men," as I think they might be with some management by the Durbar, and the horses are many of them not as fine as they should be. On vacancies occurring advantage is taken for improving the latter, as all horses must be passed by the Superintendent, but it is difficult to interfere with the former.

14. The exigencies of the service have interfered greatly with the drill, &c. of this troop. So many of them are always absent from head-quarters, and stationed about the country in small detachments, it has been impossible to give the absolutely necessary attention to this subject; the men, however, considering all things, are very handy, and go through a parade very fairly. The Rissaldar, Dadu Patel, and Jemedar, Sultan Khan, are attentive and zealous officers, and deserving of commendation.

15. All the outposts, with the exception of Dwarka, have been relieved during the year. These reliefs are mostly merely transfers from one post or escort to another, as there are seldom, now-a-days, any available men to send from head-quarters, the men remaining at Manikwara being nearly all pay Karkuns, standard-bearers, drummers, &c., &c., not such as can be sent on outpost duty.

16. The Contingent, as you are aware, consists of 900 men in all; but, after deducting the non-effectives, Karkuns, &c., &c., and the officers required at head-quarters, we have really only 832 for duty. Of this number 707 are constantly on outpost or escort. Of the latter a few go to head-quarters in the monsoon; but, as their duty is usually the heaviest, carrying daks, &c., during the hottest weather, their horses require the whole wet season to recover condition. Further must be deducted from this number 832 for duty, a fair proportion of men on leave and sick, or with sick horses requiring rest from duty, so that we are reduced to 800 men. Again, to be deducted from these, we have men whose horses have died, and who are allowed two months in which to replace them, an average of five, giving an actual total for service of 795, as shown below:—

| | | |
|---|---|---|
| Total of Contingent | | 900 |
| *Deduct*— | | |
| Non-effectives at head-quarters | 68 | |
| Men on leave, 3 per cent. | 27 | |
| Horses sick | 5 | |
| Horses died | 5 | |
| | 105 | |
| Grand total for duty | | 795 |

| | |
|---|---|
| The duties may be stated as outpost and escort - | - 707 |
| Carrying pay to outposts - - - | - 25 |
| Relieving sick, &c. - - - - | - 25 |
| At head-quarters - - - - | - 143 |
| Total - - | - 900 |

Deducting the 68 "non-effectives" from 143 "remaining at head-quarters," there are really but 75 left to meet sudden calls.

17. It appears to me absolutely necessary that either the work of the contingent should be reduced or its strength increased. On the first point, I have applied to you for the return to this province of the 30 sowars lent in time of emergency to Okhamandal. If it is necessary to have an increased strength of sowars in that district, which is under separate Durbar management, I am of opinion the men should be supplied direct from Baroda. I have also, on more than one occasion, requested the Political Agent to endeavour to dispense with some of the numerous outposts now supplied by the force, but all I have succeeded is to get, up to the end of December last, the outposts and escorts down to 707 men.

18. I beg to append a list showing 176 men of this Contingent who are now employed on duties which should, I consider, be paid for by Talukdars.

19. In this province, if a small Talukdar is unable or unwilling to properly conduct his duties, one or more Thanadars, as necessary, are appointed by the Political Agent, with the requisite police Patawalas, &c. to form a Thana. Office, jails, and lines for the police and peons are built and all expenses paid by the Talukdar. To complete the Thana, however, it is found necessary to employ sowars, and the easiest mode of obtaining these is to draw on this contingent. A party is supplied, but not paid for by the Talukdar as all the other officials are, and if horse lines are wanted His Highness the Gaekwar is called upon to build and pay for them. Why the Agency should not furnish sowars as well as Thanadars, police, &c. at the cost of the Talukdar I am unable at present to see.

20. There are 155 of the Contingent employed as above mentioned, their duties being those of escorting prisoners belonging to the Taluka, and carrying postal or other correspondence, the pay of the members of the Thana, and accompanying the Thanadar whenever he goes out of his Thana. I am of opinion that all these duties might be performed by sowars chosen from a civil body of men, at any time easily increased, called the "Kala-Dagla-walas," now in the employ of the Agency, and who would be paid by the Talukdar as all the rest of the persons composing the Thana.

21. To complete the 176 men referred to in my 18th paragraph, I beg to point to 21 men attached as escorts to officers employed in boundary settlements. All these officers and their establishments are paid by the Talukdars, whose boundaries are in process of being settled. I cannot understand what difficulty there would be in supplying these escorts also from the "Kala-Dagla-walas" on the terms mentioned in paragraph 20 of this report.

22. The contingent of 795 effective men, with 707 on outpost and escort duty, serving under 50 officers, their temporary masters, you will not be surprised to find is the best abused force in the province. For 48 fault-finders there are but two defenders, or more properly extenuators. It is my duty to state that I do not think that the consideration which is due to a force so overworked is invariably shown by officials to the Contingent. I believe a great deal too much is expected of both men and horses, particularly of the latter. Owners of well-fed and carefully tended horses, who think 6 kōs a very fair day's work for one of their animals, think 12 kōs nothing for a sowar's horse, and, if their post is late, forget the latter's horse is not in high condition, and that his owner carrying a heavy bag may very naturally have tried to save him through a long ride at mid-day in the hottest weather. Under emergent circumstances it may be necessary at all risks to send a sowar a very long distance, and expect that he shall travel fast; but in ordinary times I think much might be done to save the horses.

23. I do not stand up to defend the shortcomings of the force, but I think I am right in expecting that this Contingent should meet with the consideration which could not be refused to any of our own irregular mounted corps.

24. If the duties now expected of the contingent cannot be reduced, as I believe they can, it is obvious that the body must become perfectly disorganised or worn out, unless augmented, and the only source from whence I can suggest relief is from the Mahi Kanta, where perhaps 100 men might be spared for the present.

(True extract.)

(Signed) C. W. Walker, Colonel,
Superintendent, His Highness the Gaekwar's Contingent,
Kattywar.

STATEMENT of Men of H. H. the Gaekwar's Contingent on duty under Officials paid by Talukdars, &c.

Amreli, 6th March 1872.

| Division. | Stations. | Number of Men. | Remarks. |
|---|---|---|---|
| Northern | Dhassara | 23 | |
| | Jinjuwara | 5 | |
| | Chotila | 8 | |
| | Bhorka | 5 | |
| | Talsana | 1 | |
| | Wana | 1 | |
| | President, Boundary Committee | 5 | |
| Southern | Lakhapaidar | 8 | |
| | Bagassra | 8 | |
| | President, Boundary Committee | 3 | |
| Eastern | Babra | 6 | |
| | Palyad | 4 | |
| | Chamardi | 3 | |
| | Chok | 3 | |
| | Datha | 3 | |
| | President, Boundary Committee | 3 | |
| Western | Kharedi | 15 | |
| | Dhrapa | 15 | |
| | Amrapur | 9 | |
| | Lodhika and Khanpur | 8 | |
| | Bantwa | 25 | |
| | Gidar | 7 | |
| | President, Boundary Committee | 4 | |
| | Captain Warden, Boundary Commissioner, Bhownagar | 6 | |
| | Total | 178 | |

(Signed) C. W. WALKER, Colonel.
Superintendent, His Highness the Gaekwar's Contingent.

(True Copy.)

(Signed) C. W. WALKER,
Superintendent, His Highness the Gaekwar's Contingent,
Kattywar.

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No. 805 of 1873.

From the ACTING POLITICAL SUPERINTENDENT, Pahlanpur, to the SECRETARY, BARODA COMMISSION.

SIR, Jinjuwara, 19th December 1873.

IN reply to your letter No. 13 of 1873, dated Baroda, 19th November 1873, I have the honour to forward herewith the return called for. It is, I regret to say, incomplete, inasmuch as "the rates of pay assigned to each grade serving in each Paga or Government detail" have not been furnished me by the Sooba, and I am informed by the Sooba's Karkun with my camp, that he has received instructions only to forward this kind of form. I am therefore unable to furnish such portion of the detail required.

2. I do not myself feel entire confidence in the reports I have received that the pay is regularly disbursed, but I must acknowledge that no sowar complained to me at the muster of the Gaekwari sowars at Deesa on the 14th ultimo regarding the irregularity of the disbursements of pay, nor has any sowar since then complained to me, although I have visited Tharad, Bhabar, Radhanpur, &c., &c. The district Karkuns also report that the pay is regularly disbursed, although, as it is paid in Babasai and not in Imperial rupees, a considerable loss in exchange accrues to the sowars.

3. I should say myself that the pay is decidedly insufficient, and that it would be a great advantage to all concerned if the Contingent were paid in Imperial instead of Babasai rupees.

4. The efficiency of the Contingent sowars posted in the Pahlanpur districts is very much superior to that of the Kattywar Contingent, with which I am well acquainted. I attribute this difference to the Pahlanpur Contingent being more directly under the Political Superintendent, and the absence of any intermediate officer in charge. I believe the Political Agent, Kattywar, concurs in this opinion, but a reference to him on this subject would doubtless throw light upon the question.

5. Although the Contingent serving in the Pahlanpur districts is not equal to properly drilled troops, they have nevertheless not been entirely useless, and have captured or killed several outlaws during the current official year.

6. If the Contingent were thoroughly efficient, I consider that 300 good horsemen would be sufficient for these districts, but this estimate does not include whatever number might be required by the Brigadier General Commanding Deesa Field Brigade. Such sowars should, I conceive, be entirely separate, and have no connexion with the 300 district sowars.

7. But when I say 300 sowars would be sufficient, I suppose that 150 men of the Dhari Regiment should also be stationed here for employment in the districts. In most places horsemen are more useful than foot, but there are also posts where foot would be more valuable than horse. I consider then that 300 really efficient horsemen and 150 footmen would be sufficient to keep order in these districts.

8. In conclusion I think that, as at present constituted, 625 horsemen, the actual number employed in these districts, is not sufficient to keep order, and I may mention that Colonel Phayre, when Acting Political Superintendent here, was obliged to post sowars of the Pahlanpur levy in the districts outside the proper limits of the Pahlanpur State. These sowars I have found it necessary to keep where posted by Colonel Phayre, and as the 625 sowars are, in my opinion, insufficient, I addressed a letter to the Resident, No. 759 of 1873, dated the 15th ultimo, requesting that the 55 sowars now stationed at Patan should be sent to the Pahlanpur districts.

I have, &c.,
(Signed) J. W. Watson,
Acting Political Superintendent.

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No. 41 of 1874.

From Major P. H. Legeyt, Acting Political Agent, Mahikanta, to the Secretary, Baroda Commission.

Sir, Sadra, 19th January 1874.

In accordance with your memo. No. 29, dated the 14th instant, I have the honour to report as follows on His Highness the Gaekwar's Contingent, serving in the Mahikanta, and to furnish a statement showing:—

1. The number of troops of the Contingent serving in the Mahikanta.
2. The name of each Paga.
3. Strength of each Paga.
4. Whether the Pagadar is present or resides elsewhere.
5. How the Contingent is armed.
6. The amount assigned to each Risala and Paga.
7. When pay is disbursed.
8. How the force is distributed.

2. I am unable at present to furnish information as to the rates of pay to each grade serving in each Paga, but the Baroda Durbar has been directed by the Resident to cause such information to be furnished to me, and when it is, I will do myself the honour of communicating the same to you.

3. I have the honour to state that the condition of the men and horses is generally good.

4. The two Risalas of Reformed Horse, whose arms are provided by the Durbar, are fairly armed, but the rest of the Contingent is not so properly accoutred, and this calls for the attention of the Baroda Durbar.

5. The Contingent is efficient for the work on which it is employed.

I do not consider the duties could be performed with a smaller number than at present, and would not therefore recommend any reduction.

6. If Government require of His Highness the Gaekwar an efficient fighting force, I would distinctly state they have not got what they require, but they have a body of men performing duties of a nature which would try extremely the discipline of a good cavalry corps.

7. If reform is necessary, it is mainly required in the system of giving of Pagas. These Pagadars accept the Pagas with the idea that money is to be made out of the grant, and undoubtedly make it, to the detriment of the service.

8. It would perhaps add to the efficiency of the force if the number of horses was reduced from 1,000 to 800, and 200 riding camels substituted for the 200 horses thus reduced.

These camel sowars could, in ordinary times, carry despatches, &c., and accompany detachments sent on sudden service, carrying many things which now cumber the poor horses on a march, and bring in forage from a distance where such might be found to be scarce.

This, together with a more careful selection of Native commissioned and non-commissioned officers and a proper staff of farriers, would perhaps be all that could be done without the immediate supervision and close daily attention of European officers.

I have, &c.,
(Signed) P. H. Legeyt,
Acting Political Agent.

Mahi Kanta Agency,
Sadra, 19th January 1874.

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STATEMENT showing the Strength of His Highness the Gaekwar's Contingent serving in the Mahi Kanta.

| No. of Companies. | Names of Paga. | Risaldars. | Commanding. | Jemadar. | Havaldar. | Daffedar. | Lance Naik. | Wurdi Major. | Sar Nobat. | Bugler. | Nagarchi. | Nishandar. | Karkun. | Farrie. | Singadia. | Doctor. | Nobat. | Camel Sowars. | Sowars. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 4th Risala | 1 | — | 4 | 4 | 4 | 4 | 1 | — | 2 | 1 | 1 | 3 | 1 | — | — | 1 | 1 | 83 | 111 |
| 2 | 7th Risala | 1 | — | 3 | 4 | 4 | 4 | 1 | 1 | 1 | 2 | 2 | 8 | — | — | — | 1 | 1 | 67 | 100 |
| 3 | Madhavrao Gaekwar | — | 1 | 4 | 4 | 4 | 4 | 1 | 1 | — | 1 | 1 | 5 | 1 | — | — | 1 | — | 73 | 101 |
| 4 | Kuverji Raje Sirke | — | 1 | 4 | 4 | 4 | 4 | 1 | — | — | 2 | 2 | 4 | — | 2 | — | 2 | — | 70 | 100 |
| 5 | Raje Pandre | — | 1 | 4 | 4 | 4 | 4 | 1 | — | — | 2 | 3 | 4 | — | — | — | 2 | 1 | 70 | 100 |
| 6 | Sudaseo Bhavani Valambe | — | 1 | 4 | 4 | 4 | 4 | 1 | — | — | 1 | 1 | 5 | — | — | 1 | 1 | — | 67 | 94 |
| 7 | Pir Mahamad Jan Mahamad | — | 1 | 4 | 4 | 4 | 4 | 1 | — | — | 1 | 1 | 4 | — | 1 | — | 1 | 1 | 73 | 100 |
| 8 | Balvantrao Khanvelkar | — | 1 | 4 | 4 | 4 | 4 | 1 | 1 | — | 3 | 3 | 3 | — | — | — | 2 | — | 68 | 98 |
| 9 | Gul Mahamad Yaru | — | 1 | 4 | 4 | 4 | 4 | 1 | — | — | 1 | 1 | 3 | — | — | — | 1 | — | 72 | 96 |
| 10 | Gulam Husein Bacha | — | 1 | 4 | 4 | 4 | 4 | 1 | 1 | — | 2 | 2 | 3 | — | — | — | 1 | 1 | 72 | 100 |
| | Total | 2 | 8 | 39 | 40 | 40 | 40 | 10 | 4 | 3 | 16 | 17 | 42 | 2 | 3 | 1 | 13 | 5 | 715 | 1,000 |

Mahi Khanta Agency,
Sadra, 19th January 1874.

(Signed) P. H. LEGEYT,
Acting Political Agent.

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No. 1173 of 1873.

From Captain H. N. REEVES, Acting Political Agent, Rewa Kanta, to T. D. MACKENZIE, Esq., Secretary, Baroda Commission, Baroda.

Rewa Kanta Agency, Camp. Wadia,
23rd November 1873.

SIR,

IN reply to your No. 12, dated 19th instant, I have the honour to append a return giving the information required in the first sub-para. of your first para.

2. As regards the general condition of the men and horses of the Contingent serving in the Rewa Kanta districts, I should say that as a rule the horses were underfed and not properly cared for, though there are, of course, many exceptions. The Agent has power to cast any undersized or worn-out horses, and fresh ones have to be supplied by the Pagadar or Silledar who owns them, subject to the approval of the Political Agent, who inspects and passes them before they are borne on the strength of the Contingent.

3. Each sowar is armed with a sword, sometimes with a gun or carbine as well as a sword. I have known instances where sowars carried a shield and a spear as well as a sword.

4. As these arms are the property of the men themselves, they sell or exchange them at pleasure; thus a man carrying a sword and a gun may dispose of the latter and buy a brace of pistols or a spear, according to his fancy.

5. I am of opinion that the sowars of the Contingent employed in these districts are useless as police or for military purposes, as they are wanting in the two great essentials of a military body—organisation and discipline.

6. For miscellaneous duties, such as carrying the post from place to place, going to fetch witnesses and others whose presence may be required by the different sub-magistrates and attachment officers stationed throughout these districts, escorting persons of rank and official position, and even the ordinary class of prisoners (though in some instances they let them escape), carrying small amounts of treasure, they are exceedingly useful; indeed, without their assistance, I am at a loss to know how the work of this large Agency could be carried on.

7. I regret to say that I am unable to give the Commission any precise information as to pay and deductions, authorised or unauthorised, of the Silledars and Bargirs, as the Political Agent has nothing whatever to do with it.

8. The Sooba of the Contingent (His Highness' Prime Minister) is supreme in these matters, and he alone has the power of entertaining or discharging the men.

9. As a notorious fact I know that the men are underpaid, that occasionally a Paga is farmed out, that the men's pay is subject to deductions which go to swell the incomes of the various Kamdars and Karkuns, attached for one reason or another to every Paga, and indeed to every Gaekwari Institution, and that the very grain of the horses has to pay toll in shape of "Muthi," (handful) to bhangi, bhisti, and khasdar (horse-keeper), before it reaches the animal's mouth.

10. These facts have been well known in the Residency since the days of Mr. Sutherland, who was at great pains to inquire into the whole subject and to record the result of his investigations.

11. Nor is the pay of the sowars regularly disbursed to them, *vide* the instances reported in paras. 233, 234, and 235 of my last annual report (copy with the Resident); as also see Colonel Barton's last report to the Resident on the subject of the Contingent, No. 631, dated 19th June 1872.

12. The enclosed extract from a report on the police arrangements in the Rewa Kanta districts, which I recently submitted to Government, contains my views on the reorganisation of the Contingent serving under this Agency, and the Appendix (E.) is a distribution return of the force.

13. I regret that I am unable to furnish the Commission with a printed copy of this long report, but I would respectfully suggest a requisition being made to Government for one, as I have asked the Political Secretary to print it for the information and guidance of the officers belonging to this Agency, as well as for transmission to the various Collectors and Political officers whose districts join mine.

14. The general idea, however, set forth in the report is that the different Native States and groups of estates should organise and maintain their own police forces; in the case of the semi-independent and larger States, both mounted and foot police; but in the case of the latter, called in this Agency Mehwassi estates, only foot police.

15. That 200 sowars of the Contingent (including officers) should be reorganised and thoroughly drilled and disciplined, that a portion of this detachment should be posted in the different Thanas, as mounted constabulary, to keep the peace in the surrounding districts, and that, with the exception of a few employed as escorts to the Political Agent, his special Assistant, and the Superintendent of federal police, so long as the appointment lasts, the rest should be kept together at the head-quarters ready for any emergency.

16. That the remainder of the Contingent, *i.e.*, 114 men, should be employed as at present on a number of miscellaneous duties, but that the whole body should be under the superintendence of an European officer.

17. I am decidedly of opinion that in this Agency no reduction in the number of the sowars is feasible, and that, on the contrary, an increase of 100 undisciplined sowars is very desirable, if His Highness the Gaekwar could be persuaded to give his consent thereto.

18. The Kattywar Agency, which comprises 20,000 square miles of districts in a compact form, has 1,000 sowars at its disposal, besides a body of Agency Mohsali sowars.

19. While this Agency, consisting of 12,000 square miles of most scattered districts, has only 314 sowars wherewith to carry on all its multifarious duties.

20. The Pahlanpur and Mahikanta Agencies, which are smaller and have lighter work than the Rewa Kanta Agency, have 1,000 horse attached to each of them. These facts speak for themselves.

I have, &c.,
(Signed) H. N. Reeves,
Acting Political Agent.

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No. 2356, dated Bombay Castle, 29th April 1874.

From Acting Secretary to the Government of Bombay to Officiating Secretary to the Government of India, Foreign Department.

I am directed to forward to you herewith, for delivery, the reply of His Highness the Gaekwar to the khureeta from His Excellency the Viceroy and Governor General in Council, which accompanied Mr. Aitchison's letter No. 764 P, dated 31st March last.

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Khureeta, dated Nowsaree Palace, 19th April 1874.

From His Highness Mulhar Rao, Maharaja Gaekwar, Sena Khashkel Sumshair Bahadoor, to His Excellency the Viceroy and Governor General of India.

I have received with pleasure Your Excellency's friendly khureeta of 31st March 1874, with a copy of the Report of the Commission.

In my khureeta of 31st December 1873 I had requested to be furnished with a copy of this Report, in order that I might be able to express my views upon it before Your Excellency determined upon any friendly advice to be given to me. As Your Excellency, however, is to communicate to me shortly your friendly advice, I have telegraphed to Your Excellency that should the opinions and recommendations of the Report of the Commission be likely to influence Your Excellency adversely to my rights, I request Your Excellency to postpone determining upon the friendly advice to be given to me till my reply to the Report is received by

Your Excellency. I am preparing this full reply to the Report. In the meantime I need only say that I have an earnest desire to make all such reforms as may be requisite for the good of my State. The reforms suggested by the Commission under Section 10 of their Report have already engaged my serious attention, and I hope, with a fair trial allowed me, to show not only that the Commission have misjudged me in the estimate they have given of my capability and desire for reform, but also what improvements I can effect in my administration within reasonable time.

I desire, as indeed I think it necessary, that no such interference about the Dewan, as is proposed by the Commission in the 14th Section of the Report, should be allowed. I feel that Your Excellency will not think this unreasonable on my part, considering that the result of such interference must be to preclude all chances of the fair trial I have asked. Moreover, such interference is not warranted by the subsisting relations between the two States. Feeling assured of Your Excellency's friendliness towards me, I trust my rights and dignity will suffer no injury at Your Excellency's hands.

I beg to express the high consideration and esteem I entertain for Your Excellency.

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Telegram, dated 21st April 1874.

From GOVERNOR of BOMBAY, Mahableshwur, to VICEROY, Calcutta.

GAEKWAR, Baroda, has begged me to send you this telegram from him. Telegram begins :—If the opinions and recommendations of Report Commission are likely to influence Your Excellency adversely to my rights, I request Your Excellency to postpone determining upon the friendly advice to be given till you receive my reply to Report. Telegram ends. More by post.

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Telegram, No. 965 P, dated 25th April 1874.

From VICEROY, Calcutta, to GOVERNOR, Bombay.

YOUR telegram of 21st. Answer Gaekwar that His Highness' reply will be awaited till 1st June, when Viceroy can no longer postpone dealing with Report of Commission. Instruct Colonel Phayre to abstain from offering advice or urging complaints upon Durbar until orders of Government of India are received. Any application from Gaekwar for advice of importance should be referred to Government of India before being disposed of.

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Telegram, dated 9th May 1874.

From PRIVATE SECRETARY to the GOVERNOR of BOMBAY, Mahableshwur, to FOREIGN SECRETARY, Calcutta.

FOLLOWING from Gaekwar :—I desire that my Dewan Shivajeeraj be allowed to wait on His Excellency Viceroy with khureeta, accompanied by Resident, after first visiting Your Excellency, to give personal explanations, and I request you to obtain permission for the same from Viceroy by telegram. Message ends. Governor sees no necessity for Phayre visiting Calcutta. If Viceroy is disposed to receive Dewan, Governor would intimate that all explanations Gaekwar may wish to offer should nevertheless be given in writing. The man he speaks of as Dewan is now called Pritinidhi, and is in reality no longer Dewan. Dadabhoy is his Dewan. Governor presumes explanation of Dewan will be confined to matters treated of in Report of Commission. Observe Gaekwar does not apparently contemplate giving Dewan powers to act.

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Telegram, No. 1048 P, dated 14th May 1874.

From FOREIGN SECRETARY, Calcutta, to PRIVATE SECRETARY, Mahableshwar.

YOURS of 9th. Viceroy desires Gaekwar to be informed that any communication from His Highness should be in writing. Viceroy cannot with advantage enter into discussion with Dewan regarding contents of proposed khureeta.

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No. 2949, dated Bombay Castle, 27th May 1874.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward to you, for delivery, the accompanying khureeta to the address of His Excellency the Viceroy and Governor General of India, being the reply of the Baroda Durbar to the Report submitted by the Inquiry Commission.

2. This reply, I am to state, does not controvert one of the statements on which this Government took action, and which were established by the Commission. Neither does it offer the slightest guarantee for improvement.

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Khureeta, dated Nowsaree Palace, 17th May 1874.

From His Highness MULHAR RAO, MAHARAJA GAEKWAR, SENA KHASKEL SUMSHAIR BAHADOOR, to His Excellency the VICEROY and GOVERNOR GENERAL of INDIA.

I HAVE received a yad, dated 27th April 1874, from the Resident, saying that I am allowed to send in my reply to the Report of the Commission till 1st June next. I have therefore once more to thank Your Excellency sincerely for this further proof of Your Excellency's kindness and consideration for me.

Since writing my last khureeta of 19th April 1874, I have been considering the matter more carefully, and I think that the most important question of the moment, and for which Your Excellency also would probably care most, is not so much the past as the future. However successfully I may be able to prove to Your Excellency that I have been put in an anomalous position both in the Commissioner's inquiry and report, and that my past administration has not been worse than that of my predecessors, or of other Native States, it can at best be but unprofitable. For what Your Excellency would like to know most would, I think, be whether I understand or not the spirit and wants of the times, that the administration of Native States must undergo a change in conformity with them, and that I should therefore be prepared to inaugurate all such reforms as are necessary for the purpose. Instead therefore of troubling Your Excellency at present with a reply to the Report, I feel that I should apply myself more to this important question before me.

On this point I may assure Your Excellency, as I have already done in my last khureeta, that I am not insensible of my interests and of those of my State, and I trust that I shall at no distant date give satisfaction to the British Government.

Even by this time I should have been able to show much progress in the improvement of my administration, had I obtained the help I asked from the Bombay Government of certain officials in Government service, and had it not been for the effects of the Commission, which so far unsettled the minds of the people, and produced an impression among them that I did not enjoy the moral support of the British Government, that I have been left to contend against many unusual difficulties, difficulties such as even the strong paramount power in India itself could not, according to Mr. Ayrton, afford to encounter, for the only argument he urged in Parliament against a Commission for India was that it would "unsettle the minds of the people of the country."

Hansard, Vol. 206, page 2040.

Your Excellency is well aware how every Gaekwar Prince has had the good fortune to enjoy the kindness of illustrious Englishmen in authority, and that in every instance his rights and dignity were most scrupulously and solicitously respected.

Mountstuart Elphinstone, while exacting certain necessary conditions for the fulfilment of the British guarantee to the bankers, still engaged to leave my father, with regard to the internal affairs, unrestrained, and showed in all his interviews and negotiations the utmost friendliness. He distinctly instructed the Resident of the day to abstain from all interference in the internal affairs of the Gaekwar Government.

Wallace's book, page 287.

Wallace's book, page 309.

Sir John Malcolm, in his letter to the Resident dated December 15th, 1827, says :—"They (the subjects of the Gaekwar) "must be told that you can in no shape interfere "with the concerns of His Highness, and to give effect to this principle it is indis- "pensable that you should personally convey this intimation to such individuals as "make applications to you or give you petitions on any matter in which you are not "bound to interfere."

Malcolm's Government of India, page 15.

In another part of the same letter he repeats :—"You should indeed take every "opportunity you can of disclaiming all right of "interference with his internal affairs."

Malcolm's Government of India, page 17.

Lord Clare treated Maharaja Suyaji with great distinction and consideration, and after pointing out in his Minute that "the "Gaekwar was the only one, be it always "remembered, of the Maratha powers, which has on the most trying occasions "been invariably steady in its alliance with the "Honourable Company," expressed his opinion that he "ought not to interfere between the Gaekwar and his subjects."

Wallace's book, page 410.

Wallace's book, page 414.

Sir J. Carnac, when settling a long-existing dispute, evinced the same kindly feeling towards the Gaekwar, and declared that "the British Government in no way wishes to "interfere in the internal administration of Your Highness' territory, of which it "acknowledges you to be the sole Sovereign."

Aitchison's Vol. VI., page 354.

The conduct of the Gaekwar during the Mutiny, and the good feeling then still further augmented between the two States, need no repetition here.

In the year 1860, when transferring the direct relations of this State to the Bombay Government, the Viceroy promised in his khureeta that "the friendship "subsisting between the two States shall be maintained, and the welfare and public "respect of Your Highness' State and family shall be continued according to your "wishes."

Lastly, Sir Seymour FitzGerald accorded the right of choosing the Dewan without previously consulting the British Government.

Such has been the continuous friendliness and solicitude of British authorities to preserve and promote the Gaekwar's sovereign rights and his position and dignity, whatever the necessity they may have felt at times to give friendly advice.

In addition to the above clear engagements with and kind consideration towards the Gaekwar Princes, I may here point out briefly my treaty rights. Much stress has been laid upon the engagements of 1802 by the Bombay Government in their letter to the Government of India, dated 29th August 1873. The following clauses are quoted therein :—

1. (*From the Treaty of 6th June* 1802.)

"That the East India Company will grant the said Chief its countenance and "protection in all his public concerns, according to justice, and as may appear to be "for the good of the country, respecting which he is also to listen to advice."

2. (*From the Letter of 29th July* 1802.)

"Should I myself or my successors commit anything improper or unjust, the "British Government shall interfere and see in either case that it is settled accord- "ing to equity and reason."

The first does not warrant any interference in internal affairs. With regard to the second, apart from the circumstance that the clause cannot bear the interpretation put upon it by the Bombay Government, the Mahratta version does not contain

the words "or my successors" at all. Any argument for interference, therefore, based upon the above clause, is altogether groundless. Moreover, in the year 1816, the Governor General of India has fully cleared up this very point of our treaty relations when the Bombay Government of the day had urged a similar argument for some interference. The letter to the Bombay Government, dated 16th March 1816, after laying down that the right of interference claimed by the Bombay Government would not be borne out by the equitable construction of that engagement (*viz.*, the Treaty of 1805, which embodies all previous engagements), and that, though the Bahaudary gave a power of control in a particular direction, neither that power of control nor any modified degree of it was given by the Bahaudary for any other purpose, further remarks :—

"7. With reference to the observation that our connection with the Baroda State is of a peculiar character and entirely different from any of the alliances subsisting with the other Native Power, I am directed to observe, it is the existence of the Bahaudary alone that constitutes that difference. The Treaty itself, which must be received as the interpreter of the relations between the two States, is framed on the model of the Treaty of Hyderabad, and if the obligation of the Bahaudary were to cease, our connection with the Gaekwar would not differ in principle from our subsidiary alliance with the Nizam or the Peishwa."

Wallace's book, pages 213–14.

During the whole period of above three quarters of a century of the connection between the two States, the good faith and honour of the British word on the one hand have been scrupulously maintained, even under adverse circumstances, and the fidelity and loyalty of the Gaekwar Princes on the other have been unflinching and invariable. I need not say that on my part this fidelity and loyalty will be but of a piece with the traditions of my family, and I cannot persuade myself that the continuous good faith and friendship of the British in maintaining the rights and dignity of my family will now be departed from. Whatever differences or disagreements have at times taken place, and sometimes even of a serious character, the rights and dignity of the Sovereign, beyond the necessity of the fulfilment of the British Bahaudary, have never been touched.

Judging from the several instances of Your Excellency's consideration and kindness towards me, I cannot but unhesitatingly rely upon a continuance at Your Excellency's hand of the scrupulous regard for my rights and dignity which my predecessors have invariably enjoyed from the British authorities of their day. I have every desire to improve my administration. To any friendly advice from Your Excellency I shall give my serious attention, and I have no doubt that such friendly advice will be in accordance with my existing rights, position, and dignity. After kindly considering my above representations I fully trust Your Excellency will give me a fair trial, and I shall satisfy Your Excellency that I have made the improvements I have referred to above.

I have received a yad from the Resident dated the 15th instant, from which I have learnt with extreme regret that Your Excellency has refused to accede to my request to allow me to send my Dewàn Shivajerow Khanvelker with this khureeta.

I shall, in a separate khureeta, express my views upon the recommendations of the Commission with regard to the Contingent. I beg to express the high consideration and esteem I entertain for Your Excellency.

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No. 3045, dated Bombay Castle, 1st June 1874.

From SECRETARY to the GOVERNMENT of BOMBAY to OFFICIATING SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

REFERRING to my letter dated the 5th March last, No. 1196, I am directed to transmit herewith, for submission to His Excellency the Viceroy and Governor General in Council, copy of a Minute, dated the 28th ultimo, recorded by the Honourable Mr. Gibbs, giving expression to his views regarding the misgovernment of the Baroda State, &c.

MINUTE by the Honourable Mr. GIBBS, dated 28th May 1874.

During my temporary occupation of a seat in Council, last rains, I was one of those who joined in urging on the Government of India the necessity of an inquiry on the misgovernment of the Baroda State. The Report of the Commission appointed by the Government of India to investigate the matter was received by this Government, and forwarded with letter No. 1196 of the 5th of March, to which were appended Minutes by the Honourable Mr. Tucker and the Honourable Mr. Rogers.

2. Since my return to India, and becoming a permanent member of this Government, I have read the Report and the views recorded thereon by His Excellency the President and the other members, and as my opinion does not entirely accord with any of these, I feel anxious to place on record, for transmission to the Government of India, my own views on the subject, more especially as I may in due course be a party to carrying out the final decision of that authority.

3. The recommendations of the Commission on the first part of their inquiry, and which alone I shall now discuss, may be thus summarised :—

(*a.*) "The Minister of the Baroda State should be selected with reference to his administrative experience, and personal and other special qualifications for the post, and—while enjoined to secure the Chief's good-will and confidence, and to work in respectful subordination to him, never forgetting their relative positions—that he shall have such support from the Resident as may be necessary to enable him to carry out, efficiently and satisfactorily, the important functions of his office, and that he shall not be liable to removal without the special orders of the British Government. We are further of opinion that the Resident should, for a time at least, be vested with special authority to intervene, if necessary, between the Maharaja and the Minister."

(*b.*) "A careful elimination and dismissal of such of the Durbar officials" as "may be unfit," and the introduction of some few tried servants of the British Government.

4. At the same time the Commission clearly consider it hopeless "to look for any effectual measures" "from the present ruler and his advisers," and express their conviction that reform and improved government "can only be introduced through the intervention and under the auspices of the British Government."

5. The view taken by His Excellency the President seems mainly to follow that of the Commission, while His Excellency the Commander-in-Chief and the Honourable Mr. Rogers, though not dissenting, consider that more decided measures will ere long be required; and the latter gentleman, concurring with the Honourable Mr. Tucker, considers that nothing short of a "Constitution" can be looked to as a remedy for the present state of affairs. Mr. Tucker appends to his Minute a draft of such a "Constitution" prepared for him by an eminent Native Statesman.

6. Before stating the results of my own consideration of the case, I consider it necessary to make some observations on the work of the Commission, and the position of affairs at Baroda.

7. No one can, I think, read the Report without feeling that the finding of the Commission is as favourable to His Highness the Gaekwar as the facts which came out in the inquiry could permit, and yet it must be allowed to be very damaging both to the character of His Highness as well as to that of his Government. The evidence taken goes far to confirm the opinion which I have entertained for some time, that it is difficult to reconcile His Highness' acts with the fact of his being mentally responsible for them.

8. This view has received further confirmation by the accounts received of His Highness' doings since the Commission left Baroda. The organisation of a "Golden Battery" at a great expense, in which all the appointments are to be gilt and even the guns to be *en suite*, besides other extravagancies, but particularly his late marriage with the girl Luxumibhaee, by which he has roused the anger of his own relatives, and taken to wife a woman whose antecedents can neither add credit to himself or his State.

9. It is a matter often hinted at in conversation by Natives intimately acquainted with the Baroda State, that when Mulharrao was about 14 years of age his conduct

was so strange as to require constant supervision; and I do not think that, if symptoms of insanity did appear, it is a matter of much wonder when we consider that such had twice appeared amongst his ancestors. Sayajerao, the eldest son of Damajee the Second (Cir. A.D. 1770), and Annandrao, the eldest son of Govindrao (Cir. A.D. 1800), were both of weak intellect, and unable to conduct the affairs of State.

10. I also think it will not be unreasonable if the following circumstances are also taken into consideration:—His Highness' health is not good. I learnt about two years ago from Dr. Bhow Dajee, who had been consulted by His Highness about a year previous, that his constitution was seriously undermined, and that in all human probability his life would not be very much prolonged.

11. Again, His Highness has no heir, and even should Luxumibhaee bring forth a son, according to precedents, it would not be heir to the Gadee. His nearest relative eligible for adoption is at present the son of his daughter, Kama Sahib, an infant of between three and four years old, and there is, therefore, a not unlikely prospect of a long minority.

12. The position of the Baroda State must also not be forgotten, encircled as it is by our own territory, rendering it the more necessary for us to insist on a good government.

13. I am not one of those who think good government in a Native State can only be obtained by introducing our own systems—our courts, our revenue survey and assessment, our endless laws, and the numerous other changes we have introduced in our own territories—or even by giving it a "Constitution," which I fear would only be granted to be set aside as soon as possible, or at best constantly evaded. As regards Baroda itself, I am inclined to think that the system of government in existence is in itself perhaps the best for the people, if only it were honestly and purely worked. This, in my opinion, is what we must look for, and the question before us is, how can it best be done.

14. We are here, under Providence, as the supreme Rulers of Hindoostan. No Native Prince, however high, is really "independent" in the proper sense of the word, none have the powers of peace and war, and we have always considered it our duty to interfere in cases of bad government, and we must do so, or we shall fail in our duty to God and the people of India.

15. Far be it from me to urge harsh measures. I hesitate not to affirm that the Chiefs in India have no truer well-wisher than myself; but I see plainly that in the present day the old system of winking at matters, of simply leaving the Resident to say, "Now, come, this won't do; you had better take some steps to put matters to rights," and of being content that every complaint should be disposed of by the too often mendacious Durbar yad—will not do.

16. With all the elements of Western civilization, which we have introduced into our own territories, it becomes absolutely necessary that the Chiefs should make some progress in their own; not by hurried changes or parrot-like imitations, but by carefully inquiring into their own system of government and its working, by endeavouring to place it, if necessary, on a just and sound basis, and, above all, seeing their orders are honestly carried out. This, in my humble opinion, will in most cases be reform enough; but with less we have no right to put up.

17. Can the recommendation of the Commission be expected to answer this purpose? Can we hope that a Minister appointed by us, backed however strongly by the Resident, will clear this Augean stable, so long as His Highness is left at the head of the State? I am constrained unhesitatingly to answer in the negative—at least for so long as is necessary to carry out the requisite reforms.

18. The opposition to be met with will be overpoweringly great: the hosts of vultures who have long preyed on the revenues of Baroda; even the ladies and other members of His Highness' family, who have always managed one or more branches of the revenue for their own peculiar benefit, would all offer strenuous opposition and intrigue. (Luxumibhaee at present has charge of one department, from which all orders issue in her name.) The Kamdars, whose extortions and embezzlements are notorious,—in short everyone, from the Ranees to the lowest peon, would all be against him.

19. No one who has read the correspondence between this Government and the Baroda State during the past thirty years, and considered it by the light of the

records of the previous times, can, I think, for a moment doubt but that a more radical remedy is necessary. Look at the time when the Minister had our guarantee, and see how little we were able to effect; and although we have not now a Sayajee to deal with, we have one who may probably, from his excitable ways and his apparent callousness with regard to the future, give even greater trouble.

20. I believe Mr. Dadabhoy Nowrojee to be an honest and well-intentioned man, and I know that those he has chosen to assist him went to Baroda with the best intentions. How they have been thwarted, and how they have failed in obtaining the influence they should have done, is very well known. Each one, I believe, has a colleague chosen from the Gaekwar's Council, and no order given by any of them is of force until countersigned; while the colleague himself acts, if he chooses, quite independently. These are matters of public notoriety, and paragraphs which have appeared in the Native press tend, I think, to show that Mr. Dadabhoy himself is beginning to find his position untenable.

21. Nothing short of an entire clearance of the present advisers of the Gaekwar will enable reforms to be carried out. What, then, is the best machinery for this work?

22. Were His Highness a man of different disposition morally and physically, I think that a good Minister, supported thoroughly by the British Government, with the Resident empowered to step in and act when necessary between them,—something in fact like a joint administration,—might answer, but with the present Chief I feel certain it would not.

23. My own opinion, after a careful consideration, is that something in the nature of a regency is absolutely required, and that His Highness Mulharrao must, for the present at least, be removed from any participation in the Government. I am aware that this is a very serious and a very strong measure, but I cannot conscientiously recommend anything else. I am also aware that it will be objected to and abused by a large party at home, as well as by some in this country; but I trust Government is above the consideration of what such parties may think fit to say, and that, if after careful consideration, the course I have recommended is felt to be the right one, no fear of what is called public opinion will prevent its being adopted.

24. What form the regency should take is a matter for very careful consideration. Should it be intrusted to one man? and, if so, should he be a Native or a European? Or should there be a Council of Regency, presided over by a European officer? These questions naturally arise. As regards a sole regent, I am of opinion that none but a Native would answer, and I know but of one Native who, I think, could carry out the duties of the office, and that is Sir Raja Dinkur Rao, K.C.S.I. I have the pleasure of his acquaintance, and I have often discussed the question of the government of Native States with him; and from his intimate knowledge of Mahratta feelings, and of the intrigues of Mahratta Courts, and from his own ability and uprightness of character, I have great confidence that, if he would accept the post and receive the support of the British Government, he would succeed in carrying out the heavy duties before him; but I fear whether he could be induced to accept the office. I do not think that a European officer would be likely to answer as sole regent. I will not now discuss the reasons which induce me to take this view, as my time is limited, but will content myself with the dry assertion, and proceed to the consideration of the second description of regency.

25. My opinion with regard to this is that, supposing the heads of the four or six principal departments of the present Government at Baroda to be honest and capable men, they would with a President form a good Council of Regency. The President, in my opinion, should be a European officer of considerable Political experience, and especially acquainted with Mahratta Courts. I prefer a European, because he will be better able to superintend and direct the work of his colleagues; for, I think, it is generally allowed, and I am sure the proceedings in the meetings in this Presidency clearly show, that even our educated Natives prove but inferior chairmen at Boards or Meetings, while undoubtedly the presence of a European would give greater moral strength to the Council.

26. Although the subject has been before my mind for some months, I have only now had time to put my views on paper, and that without the elaboration I should otherwise have wished; but as His Excellency the Viceroy has expressed

his intention of taking up the Report of the Commission after the first of June, it will not do any longer to delay the matter.

27. My recommendations may be thus briefly summarised:—

(*a.*) His Highness Mulharrao must be removed from all participation in the government; at all events for the time during which the reforms are being carried out.

(*b.*) The present Durbar officials must be dismissed.

(*c.*) If Sir Raja Dinkur Rao can be persuaded to take the office of Regent, he should be appointed, and promised the full support of the British Government; but if he will not accept, then

(*d.*) A Council of Regency, consisting of the representatives of the six principal departments of the State, presided over by a European officer, should be appointed for the duties of governing the State.

28th May 1874. (Signed) J. GIBBS.

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I request that this may be forwarded without delay to the Government of India.

28th May 1874. (Signed) J. GIBBS.

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No. 3179, dated Bombay Castle, 9th June 1874.

From SECRETARY to the GOVERNMENT of BOMBAY to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward to you, for submission to the Government of India, as indicating the increasing necessity for a decision on the affairs of Baroda, the accompanying copy of a letter, with enclosures, from the Resident at Baroda, No. 152–553, dated the 27th ultimo, reporting that matters appear to be assuming a serious aspect in the northern districts of the Gaekwar State.

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No. 152–553, dated Baroda, 27th May 1874.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

As matters appear to be assuming a serious aspect in the northern districts of the Gaekwar State, where Mr. Kazee Shahabudin proceeded, under Mr. Dadabhai's orders, to settle matters on the 20th ultimo, I have the honour to forward, for the information of Government, three petitions which have reached me by post from the Patton, Wurnuggur, and Khiraloo Mahals, but which have not been noticed by me in any way.

The Patton Vahivatdar is Narayen Rughoonath, who committed so much tyranny at Naosari while holding the post of Sooba there, in which he has lately been displaced.

2. Mr. Kazee Shahabudin commenced operations with the Beejapoor Thakoors, whose giras and other accounts with the Gaekwar State have not up to this moment been inquired into; nevertheless Mr. Kazee Shahabudin's negotiations resulted in a recommendation to the Durbar that British troops of the subsidiary force should be called in to subjugate the Thakoors.

3. Mr. Kazee Shahabudin's report was shown to me by the Minister Nana Sahib, and I was asked to offer advice upon it, which I replied I could not do under present circumstances; but that if the Durbar would forward the report with an official yad, I would lay it before Government for their orders.

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TRANSLATION of a PETITION of all the Ryots generally of the PATTON PURGUNNAH to RESIDENT of BARODA, dated 23rd May 1874.

ABOUT 10 days ago the Vahivatdar of Patton sent two of his Karkoons to the village of Bamon Padoo belonging to our Purgunnah; all the women and children were removed from their houses, which were sealed, and pots containing opium juice were taken away. All the cattle belonging to these persons, were collected in one place. They do not even give us an account of what we have already paid. Some people have been imprisoned and placed in irons. Mohsuls have been imposed on several of the villagers. The Vahivatdar has taken writings from the ryots

that they should not cultivate Gaekwaree land and should leave the Purgunnah. He has levied six annas per house on this account. He instructs the villagers to leave the Purgunnah, and would not allow them to cultivate. Thus we are oppressed. Where are we to go, and what should we do? Kindly therefore give us place for being settled in. If no arrangements are made accordingly, they will drive us away. Rain has commenced to fall in our Purgunnah. Four months' water has come to the tanks. This is the time for cultivation. Their object is to starve lakhs of men, and thus kill them and their families as a punishment for their having complained. We hope that you will have pity on the said lakhs of men, and that you will protect their lives.

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TRANSLATION of a PETITION of the Representatives of the Ryots of MOUZAH KHULADA, Purgunnah Wudnuggur, now residing in Baroda, to RESIDENT, BARODA, dated 23rd May 1874.

WE sent a petition to you and the Gaekwar Revenue authorities on the 12th instant stating that the Vahivatdar of Wudnuggur came with the Sebundee of Wudnuggur and Khyraloo Mahals towards morning and surrounded and plundered our village and the village of Sutulpoor, but no arrangement appears to have been made up to the present time. Since then the village of Kippergaum has been plundered in the same way. The following persons have been wounded in our village:—

Two men wounded by sword.

Two men hurt by horses.

One woman wounded by a sword when she went to release a woman being beaten by sticks.

In this way many of our people were beaten, and seed grain and vessels carried off by the Vahivatdar.

The wounded persons named above are now laid up, and one of them is not likely to survive the wounds; another has had several wounds stitched up. The Vahivatdar wanted the inmates of the wounded persons' houses to sign certain paper, and as they refused to do so they were all put in irons.

For the assessment due from us, our cattle, &c. were sold, and the amount, less one-eighth, has been realised by the Vahivatdar; and now, with the excuse of collecting the Guddee Nazzerana and the remission granted us by the late Khunderao Maharaj in Sumbut 1925, he has plundered our village. The Vanee of the village was put under arrest, and we were forced to give a kuboolyut, agreeing to pay the above. We complained about this tyranny to Kazee Sahabudin and Huriba Dada, but no inquiry was made. The villages of our Purgunnah have complained to you first, and they are afraid that if they were to take the law into their own hands it may seriously affect any arrangements that may be in contemplation for the redress of their wrongs; for this reason they have kept quiet. But there are several foolish persons among them who, we are afraid, if they do not see their wrongs redressed, may spoil everything.

Rain has commenced falling in our district, but the Vahivatdar does not allow us to commence cultivation, we are therefore at a loss what to do. The Gaekwar pays no attention to complaints, and the Vahivatdars plunder us like an outlaw; if the British Government does not hear our complaint we know not whose protection we are to seek. If you will therefore advise the Gaekwar to make some arrangement you will save the lives of many, otherwise the Vahivatdar and others will openly plunder us; this is quite evident. Some immediate arrangement should therefore be made to return our immovable property which has been carried away, to punish the Vahivatdar for his illegal action, and to prevent similar occurrences in future.

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TRANSLATION of a PETITION of the Representatives of the Ryots of KHYRALOO to RESIDENT at BARODA, dated 24th May 1874.

The Amul Karkoon of the Khyraloo Purgunnah proceeded to "Motee Hirneeani" very early on the morning of the 3rd Jeith Shood 1930 with 150 armed Sebundee sowars and peons, and having surrounded the village and thrust all the women and children out of their homes, sealed all the houses of the village, and placed the villagers under arrest. A girl of about the age of two years being asleep in one of

the houses was left behind when the houses were sealed, and when the seals were removed, and the houses opened, she was found dead. The women and children were deprived of all the ornaments on their persons, and pots containing opium juice were taken away, also clothes and vessels; many men were put in fetters, several decamped, and we escaped and came here.

Thousands of rupees were thus plundered by the Sebundee, consequently we complained to the Gaekwar's Kamdar, Kazee Shahabuddin, whose camp was at Visnuggur, and waited two days for a reply, then came to Baroda and complained to Dadabhai; he too paid no attention to our complaint; we have therefore reported the matter to you with a view to prevent the plunder of other villages. If immediate arrangements are not made other villages might be plundered with loss of blood. The Kamdar who accompanied the force said, "You have complained to the Resident, bring him here now," and then commenced to plunder and arrest the men; we trust therefore that you will have pity on us, and make some arrangement for the safety of our lives and for the recovery of our property.

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No. 1586 P, dated Fort William, 25th July 1874.

From Secretary to the Government of India, Foreign Department, to Secretary to the Government of Bombay.

I am now directed by His Excellency the Viceroy and Governor General in Council to reply to your letters noted in the margin, with reference to the Report submitted by the Commission appointed to inquire into the administration of the Baroda State. I am at the same time to enclose a letter from the Viceroy for delivery to His Highness the Gaekwar, through the Resident, together with a copy of the same for the information of His Excellency the Governor of Bombay in Council, and for the guidance of the Resident.

No. 1196, dated 5th March 1874.
„ 2949, „ 27th „ „
„ 3045, „ 1st June „
„ 3179, „ 9th „ „

2. The Report of the Commissioners testifies very clearly to the care and impartiality with which they have discharged their difficult and delicate duties. Both in the cases which they took up and those which they declined to receive they exercised a wise discretion, and their labours merit the acknowledgments of the Government of India.

3. Although the Report does not in every case substantiate the allegations that were made, and although the results do not show that any special measures are needed for the protection of the interests of British subjects, the inquiries of the Commission have nevertheless established so serious an amount of general misgovernment in Baroda as fully to justify its appointment and to necessitate decided intervention on the part of the British Government, with a view to bring about a thorough reform of the administration.

4. The proposals put forth by the Honourable Mr. Tucker in his Minute of 3rd March go far beyond the measures which His Excellency in Council considers it justifiable to adopt; and His Excellency in Council is of opinion that it would be premature to take into consideration the suggestions made by the Honourable Mr. Gibbs in his Minute of 28th May.

5. His Excellency the Governor of Bombay in Council appears generally to concur in the recommendations of the Commission as to the measures best calculated to effect improvement in the administration of Baroda. The most important of these is the suggestion that certain officials of the Baroda State should be removed from office, and that a Minister recommended by the Government of Bombay, with reference to his administrative abilities and special qualifications, should be appointed by the Gaekwar, and should not be liable to removal without the special orders of the British Government.

6. From the letter which His Excellency the Viceroy has addressed to the Gaekwar it will be seen that the Governor General in Council prefers to hold the Gaekwar himself responsible for the good government of his State, under a warning that if, before 31st December 1875, he does not reform his administration he will be deposed from power. Experience in other parts of India has shown that the selection by the British Government of a Minister of a Native State, who is to hold

office under such conditions as are proposed, has seldom produced the good effects anticipated. A Minister so appointed can scarcely be expected to enjoy the confidence of the Chief, and the British Government becomes involved in an inconvenient degree of responsibility for his acts.

7. The Gaekwar has professed his readiness to accept the advice offered to him. He has asked for a fair trial, and it is right he should have it. The Governor General in Council is unwilling to relieve the Gaekwar from the responsibilities of his position without giving him ample opportunity himself to effect those reforms which are so imperatively required, and without assisting him to the utmost in his efforts. Should, therefore, the Gaekwar ask for the services of British officers, European or Native, to assist him in the work of reform, I am to request that endeavours be made to meet his wishes and to furnish him with the officers he may require, provided the conditions of their employment and the powers to be vested in them are such as the Bombay Government can approve. Further, if the Gaekwar should seek the advice and help of the Resident in any matter connected with the administration it will be the Resident's duty to furnish it to the best of his ability.

8. Irrespective, however, of any request on the part of the Gaekwar for advice, the Resident should call upon His Highness to effect a thorough and lasting reform of his Government on those matters in which the Commission have shown that the administration calls for reform, and urge him to conform to the recommendations made by the Commission; and he should give the Minister, whoever he may be, the fullest support in carrying out the reforms necessarily following on the advice tendered to His Highness. He should be careful, however, not to paralyse the efforts of the Native Government by attempting to originate or carry them out himself.

In conveying his advice the Resident will be careful to study the honour and dignity of the Maharaja, and make his communications in the manner least distasteful to His Highness, and least calculated to weaken his authority.

9. Among the measures recommended by the Commission which the Resident is authoritatively to advise the Gaekwar to adopt, the most important are the following:—

With respect to the arbitrary reductions which have been made among the military classes, the Gaekwar should "be advised, in consultation with the Resident, "to frame some general rules for adoption in giving effect to such reductions in "future which will ensure their being carried out with due consideration to the "claims of the parties concerned, and will prevent the scandal and risk that must "attend the sudden deprivation, without compensation or other provision of any "sort, of large numbers of old or hereditary military servants of the service on "which they are wholly dependent for the means of subsistence." He should be advised to make a settlement of the Ghasdana claims for a period of years; to forbid the levy of Nazzerana on appointments; and to issue a proclamation notifying the same, a copy being furnished for the information of Government; to take no Accession Nazzerana where there is a fixed land settlement; to prohibit the barbarous processes employed for realising revenue; and "to remove the cause of such "difficulty by a moderate and equitable land settlement and a faithful adherence to "its terms in future, all future exactions of every sort or description being abso-"lutely interdicted, and the continuance of such oppressive practices on the part of "Durbar officials being strictly forbidden;" to exercise a stricter supervision over the subordinate officials, so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them; to adopt some equitable mode of dealing with the Wuttuns and Inams, so as to remove all ground for anxiety and discontent among the holders of them; to see that punishments awarded for offences bear some reasonable relation to the crimes committed, and be not scandalously excessive, as in some of the cases proved before the Commission; to put a stop to proceedings such as those taken towards respectable bankers and trading firms, which are described by the Commission as "discreditable and spoliatory," "arbitrary and unjust;" to put a stop to and severely punish any person concerned in the abduction of women for forced service in the Palace, in respect to which the Commission record that "several cases of the "description stated have undoubtedly occurred, involving an abuse of power on the "part of the Maharaja, and oppression by certain inferior Durbar officials and "servants, which have brought a most serious scandal on the personal character of

"the Chief himself and the Administration of which he is the head;" to prohibit the infliction of corporal punishment on women, and "to issue a proclamation "absolutely interdicting under severe penalties the personal ill-treatment in this or "any other way of females, whether in jail or before the Courts or under examina- "tion by the police;" and to forward a copy of the proclamation for the information of Government.

10. The Gaekwar should further be required to desist from the harsh and vindictive treatment of the relatives and dependents of the late Chief, and extend to them the justice and consideration due to their positions and services. He should be required to make suitable provision for all the immediate members of the late Gaekwar's family, and permit the ladies to reside away from Baroda. Their allowances should be fixed with the approval of the Government of Bombay, and they can be paid according to lists to be furnished by the Gaekwar, the money being recovered from the Baroda State.

It only remains to say that, judging from the information submitted by the Commission, His Excellency in Council cannot hope that the necessary reforms will be effected so long as the Dewan Syajee Rao and some other officials, notably Bulwunt Rao Deo, the Revenue Commissioner Hariba Gaekwar, the Sir Fouzdar Bulwunt Rao Yeshwunt, and the Deputy Revenue Commissioner Narayn Bhai, remain in power. His Excellency in Council is therefore of opinion that His Highness would do well to remove these men from office, making for them such provision as His Highness may deem reasonable, and to appoint more suitable persons to fill the offices they hold.

11. The Resident will carefully watch the progress of the reforms which the Gaekwar is to be called upon to initiate, and he will report not later than 31st December 1875, and intermediately as often as he may see occasion, what progress has been made, or is to be hoped for, in carrying them out.

12. The question of the Contingent will be separately dealt with.

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No. 1586 AP.

Copy to Sir R. Meade for information and for communication confidentially to the members of the Commission.

---

Khureeta, dated Fort William, 25th July 1874.

From His Excellency the VICEROY and GOVERNOR GENERAL of INDIA to His Highness the GAEKWAR of BARODA.

HAVING given mature consideration to the Report of the Baroda Commission, and the various letters which Your Highness has addressed to me in connection therewith, I have now the honour to convey to Your Highness my final views on the several questions that require settlement by the British Government.

The Commission have reported that they have every reason to be satisfied with the arrangements made by Your Highness for affording them assistance in their investigations. For the assistance thus readily given I thank you. At the same time I gather from your letters that Your Highness is disposed to question the course I adopted in appointing the Commission, which you consider not to be warranted by the relations subsisting between the British Government and the Baroda State. I deem it therefore necessary to remind you that, both by the terms of Treaties and by constant usage, the British Government has the right to advise you in public concerns affecting the good of the country; and to require the settlement, according to equity and reason, of any measures shown to be improper or unjust; and that by consequence it is at liberty to take such steps as it may deem necessary for the just exercise of that right and the fulfilment of the obligations to the Ruler and people of Baroda which flow therefrom.

Your Highness must be aware that from the earliest period of its connection with the Baroda State the British Government has repeatedly found it necessary to intervene in Baroda affairs. This intervention has not been limited to the case of the guarantees to which Your Highness has referred, but has been exercised in a

variety of other ways; as, for example, by investing the Resident with power of control over the finances; by assuming for a time the management of portions of the State; by the removal of evil advisers; in short, whenever intervention has been deemed by the British Government necessary in the interests of the Ruler or his subjects.

This intervention, although amply justified by the language of Treaties, rests also on other foundations. Your Highness has justly observed that "the British "Government is undoubtedly the paramount power in India, and the existence and "prosperity of the Native States depend upon its fostering favour and benign protec-"tion." This is especially true of the Baroda State, both because of its geographical position intermixed with British territory, and also because a subsidiary force of British troops is maintained for the defence of the State, the protection of the person of its Ruler, and the enforcement of his legitimate authority.

My friend, I cannot consent to employ British troops to protect anyone in a course of wrong-doing. Misrule on the part of a Government which is upheld by the British power is misrule, in the responsibility for which the British Government becomes in a measure involved. It becomes therefore not only the right but the positive duty of the British Government to see that the administration of a State in such a condition is reformed, and that gross abuses are removed.

It has never been the wish of the British Government to interfere in the details of the Baroda Administration, nor is it my desire to do so now. The immediate responsibility for the government of the State rests, and must continue to rest, upon the Gaekwar for the time being. He has been acknowledged as the Sovereign of Baroda, and he is responsible for exercising his sovereign powers with proper regard to his duties and obligations alike to the British Government and to his subjects. If these obligations be not fulfilled, if gross misgovernment be permitted, if substantial justice be not done to the subjects of the Baroda State, if life and property be not protected, or if the general welfare of the country and people be persistently neglected, the British Government will assuredly intervene in the manner which in its judgment may be best calculated to remove these evils and to secure good government. Such timely intervention indeed to prevent misgovernment culminating in the ruin of the State is no less an act of friendship to the Gaekwar himself than a duty to his subjects.

In the present instance the Report of the Commission, a copy of which has been furnished to Your Highness, has amply proved the necessity for its appointment. The members of the Commission have discharged their duty to my entire satisfaction, and with every regard to the rights, dignity, and honour of Your Highness. I am glad to receive from Your Highness the assurance that you have an earnest desire to make all such reforms as may be requisite for the good of your State, and that the reforms suggested by the Commission in paragraph 10 of their Report have already engaged your serious attention. I earnestly counsel you to lose no time in effecting a thorough and lasting reform of your administration, and particularly to give effect to the above recommendations of the Commission. I must hold Your Highness responsible for the amendment of the serious evils disclosed, and I leave to you the selection of your agents, with a distinct intimation that if Your Highness fails to attend to the advice I now offer you, and the counsel which the Resident, who possesses my full confidence, will be instructed to offer you, and if in consequence the condition of the Baroda Administration remains unreformed, the only course left will be to remove Your Highness from the exercise of power, and to make such other arrangements consistent with the maintenance of the integrity of the Baroda State as I may deem necessary to secure a satisfactory administration.

Your Highness has promised to give your serious attention to any friendly advice from me. I now give you the fair trial you have asked for, and I entertain a confident hope that, after this friendly warning, Your Highness will address yourself seriously to the task of reforming your Government. If you require the assistance of officers of the British Government, His Excellency the Governor of Bombay in Council will, on your application, do all in his power to meet Your Highness' wishes. The Resident will now convey to you, under the instructions I have sent him, authoritative advice in regard to several important matters affecting Your Highness' administration. Moreover, on any occasion on which Your Highness may consult him he will freely advise you and give you such help as he can.

I have instructed the Resident to report to me by 31st December 1875 what progress has been made in improving your administration, and I expect that Your

Highness will carry out all necessary reforms before that date, and thus obviate the severe but inevitable alternative to which I should be most reluctant to have recourse.

My decision regarding the Contingent will be communicated to Your Highness hereafter.

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Political, No. 14.

To His Excellency The Right Honourable The Governor General of India in Council.

India Office, London,
4th February 1875.

My Lord,

1. I have received and carefully considered in Council the letters of Your Excellency's Government noted in the margin,* detailing the circumstances under which you had, on the strong recommendation of the Government of Bombay, appointed a Commission to inquire into the serious misgovernment and oppression represented by the Resident at Baroda as prevailing in the dominions of His Highness the Gaekwar, and also your further letter, dated the 28th July last, No. 46, in which you forward the Report of the Commission, together with your orders thereon.

* No. 81, dated 2nd October 1873.
No. 83, dated 16th October 1873.

2. The facts stated by the Government of Bombay in their letter of the 29th August 1873, recommending the appointment of a Commission of Inquiry, appeared to demand at the hands of a competent tribunal the investigation sanctioned by you.

3. In intimating to the Gaekwar the appointment of the Commission, you rightly informed His Highness that it was not your intention to interfere with the details of his administration, and you advisedly ordered the inquiry to be conducted more for the purpose of ascertaining whether such general mal-administration existed in the Baroda State as to call for the interference of the British Government than for the redress of individual grievances.

4. In communicating to the Government of Bombay your orders on the Report of the Commission, you state that, "although the Report does not in every case "substantiate the allegations that were made, and though the results do not show "that any special measures are needed for the protection of the interests of British "subjects, the inquiries of the Commission have nevertheless established so serious "an amount of general misgovernment in Baroda as fully to justify its appointment, "and to necessitate decided intervention on the part of the British Government, "with a view to bring about a thorough reform of the administration."

5. In this opinion Her Majesty's Government are constrained reluctantly to concur.

6. Since the date of these orders other charges of a far graver character have been made against the Gaekwar, and the State is now under the temporary administration of your Government. It would therefore be superfluous for me now to enter on a consideration of the measures which you had proposed to adopt in consequence of the Report of the Baroda Commission. When the proceedings recently instituted have been brought to a conclusion, I shall doubtless be informed of the policy by which you propose to secure the people of Baroda, in the future, from the recurrence of the abuses which the labours of the Commission have brought to light.

7. In concluding this Despatch, I have to request that Your Excellency will convey to the President and Members of the late Commission the expression of the cordial approval of Her Majesty's Government of the manner in which they have discharged the very delicate and difficult duty entrusted to them.

I have, &c.,
(Signed) Salisbury.

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EAST INDIA (BARODA, No. 2.)

# CORRESPONDENCE

CONNECTED WITH

# THE MARRIAGE OF THE GAEKWAR OF BARODA.

Presented to both Houses of Parliament by Command of Her Majesty.

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# CORRESPONDENCE.

## MARRIAGE OF THE GAEKWAR.

### Correspondence between Resident at Baroda and Government of Bombay.

No. 111–429, dated Nowsaree, 23rd April 1874 (Extract).

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

ABOUT two months ago it was reported to me at Baroda that a person describing himself as the husband of His Highness the Maharaja's kept-mistress, Luxmee Bai, had just arrived from the British districts and wished to lay a complaint before me regarding the abduction of his lawful wife, the said Luxmee Bai. On due consideration I declined to receive the complaint and caused him to be informed that being a British subject he should lay his complaint before the Magistrate of the district in which his native village was situated, and where the circumstances of his case would be well known.

2. I heard nothing more of this person until a day or two ago when I received from him the following letter:—

"Petition from PANDOO BIN GOVINDRAO KHADWAY, resident of the village of Deolalee, Kusba Rahoolee, Zillah Ahmednuggur, now at Surat, to Resident at Baroda, dated 17th April 1874.

"I HAVE heard that His Highness the Gaekwar of Baroda has gone to Nowsaree to celebrate a marriage, but the woman is my married wife. The following accused persons seduced her, and taking her to Baroda made her over to the Gaekwar, but the mother of the woman turned out on inquiry to be a dhobie (washerwoman). I have got sufficient evidence about this. If the Maharaja again contracts a marriage with her it will be contrary to the custom of our caste. A son of mine by a former wife is with the said woman.

"I request that the Resident of Baroda may personally take the case into consideration and give me redress and hand over to me the said woman, Bai Luxmee, and the boy referred to."

3. To the above letter I returned the following reply:—

"No. 421, dated Nowsaree, 20th April 1874.

"From RESIDENT at BARODA.

"PANDOO bin Govindrao Khadway, of the Ahmednuggur Zillah, at present residing at Surat, in Jada Bawn's Wadee, near the Delhi Gate, is informed in reply to his petition dated 17th instant, that his complaint regarding the abduction of his wife should be preferred to the Magistrate of the district wherein his native village is situated."

4. I this morning brought the subject of this petition to the notice of Nana Saheb Khanvelker, the present Minister, when he paid me his usual visit; and he expressed himself to the effect that he had heard of the arrival of the man in Baroda and had inquired carefully into the case, but came to the conclusion that there was no truth in the man's assertion, that the Maharaja had deferred marrying Luxmee Bai on account of it for some time past, but that he had now determined to marry her in a few days, probably on Monday next the 27th instant, and that he was about to write a khureeta to that effect; moreover, His Highness intended, while at Nowsaree, to marry another girl who would be his fourth wife including the first, who died.

5. I have heard accidentally that the girl Luxmee Bai, who is the subject of the petition under notice, has been pregnant for the last two months, which has been assigned as a reason for the hasty marriage.

6. A hope was expressed that I would attend Luxmee Bai's marriage on Monday next, but pending the receipt of the promised khureeta I have not made any movement in the matter, but will report further hereafter.

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P.S. 24th.—This morning the minister informed me, with reference to our yesterday's conversation regarding Luxmee Bai, that they have been obliged to send for some more Brahmins to consult them as to the suitability or otherwise of her horoscope, and that until that is settled the intended marriage cannot take place. From this I argue that there may be some truth in the petition of Pandoo bin Govindrao.

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No. 114–445, dated Nowsaree, 28th April 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my confidential letter No. 111–429, dated the 23rd instant, I have the honour to acquaint you that this morning the Minister Nana Saheb Khanelker informed me that His Highness' marriage with Luxmee Bai will probably be celebrated on or about the 6th proximo, and requested that according to custom I would be so good as to send for a company of Native Infantry to Nowsaree to render the honours due on such occasions.

2. I replied that being absent from Baroda a good deal of inconvenience might be experienced in complying with the request for a Guard of Honour, but I was told in reply that it was always customary, and that a special train would be provided to bring the company to Nowsaree, and to take it back again to Baroda.

3. It is true that the usual military honours are paid to the Gaekwars on the occasion of their marriage, and as I have no lawful reason for altering the routine in the present instance, I shall comply with His Highness' request unless I receive orders from the Government to the contrary. It appears to me that my presence at the marriage with a Guard of Honour will not affect the question as to its legality that may possibly arise should the petitioner Pando bin Govindrao Khadway really prove to be the girl's husband, and it rests with the Government to decide whether they will advise His Highness to clear up this point before contracting a marriage which the circumstances disclosed in the petition show to be a doubtful one.

2. In the absence of orders from Government by telegram I shall attend the marriage with a Guard of Honour.

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No. 123–473, dated Nowsaree, 5th May 1874 (Confidential).

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letters as per margin, I have the honour herewith to forward translation of a petition received by me this day from Gungajeerao Khanvelkur, brother-in-law of His Highness Mulhar Rao, and son-in-law of the late Syajeerao Maharaja, as also the uncle of Sivajeerao Khanvelkur, the present Dewan of His Highness.

No. 111–429 of 23rd April 1874.
„ 114–445 of 28th idem.

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Translation of yad from GUNGAJEERAO TRIMBUKRAO, Inamdar Mokhasee, to the Resident, Baroda, dated 4th May 1874.

My brother-in-law (wife's brother) His Highness Mulhar Rao Sena Khaskhel Sumshere Bahadoor (the Gaekwar), has kept a mistress by name Luxmee Bai, and I have heard he is about to contract a marriage with her. From the ancient time none of his ancestors has ever done so. I have, however, received reliable information that the marriage is to be celebrated, and after the celebration is complete a blot will attach to the whole of our caste; I being a relation of his have pointed out to him that this will materially prejudice the Mahratta

religion, and that he should not contract the marriage. As he is against me he will not hear what I stated; but you, Sir, are considerate, just, and long accustomed to live in Native Courts, and you are also acquainted with the Mahratta religion, and the above irregularity is about to be committed. I therefore write the following with a hope that Your Honour may represent the same to His Highness the Maharaja and prevent the marriage.

There have been many great Rajas up to this day; and they have each married from 5 to 25 wives of high families and belonging to houses with which it has been customary for them to be connected by marriage. They had kept mistresses of low castes, but at no place has any marriage with such a mistress taken place. If a Raja is very fond of her he would give her property to the value of lakhs of rupees; but he would never connect himself with her by a marriage tie. The father of this very Maharaja, the late Syajee Rao Maharaj, had kept mistresses, besides married wives, and some of the mistresses were his particular favourites, but no marriage has ever taken place with them, nor is it customary to do so in any Native Court or Mahratta community. Several witnesses could be had about this. If a subha (meeting) is held and I am invited I shall attend to it. There have been Mahratta States, and as Kolhapoor, Sattara, Poona, Indore, Gwalior, Nagpoor, &c., and some of them are still in existence. If a reference is made to them about it no one would give a reply (in favour of the marriage).

The chief guardian of our religion is Shree Shunkaracharya at Shekswar, Ilaka Kurvir. He is the principal priest of the Hindoo religion, and if referred to for opinion on the present question will give a reply after consideration; also the shastrees, priests, and grahsthas (gentlemen) of the said places will give a correct reply about the religious aspect of the marriage.

The Shastrees of Baroda first refused to give an opinion in favour of the marriage, but subsequently owing to the avarice for money, &c., have given a favourable opinion in deference to the wish of His Highness the Maharaja. This is what I have heard. If this is true, and if they have found out authorities in favour of the marriage from the life of Krishna, it may be stated that Shree Krishna was a complete God and possessed power of saving the world; the authorities are therefore exclusively applicable to Shree Krishna personally; they are of no use to human beings. They (the Shastrees of Baroda) should be asked whether this is right or not. Opinions should also be obtained from the places above-mentioned, and then what is to be done should be done. Nothing should be done in the interim. If anything is done it would act prejudicially towards me. I write this for your information.

If the Maharaja wishes to marry Luxmee it is not advisable to do so, because she has had intercourse elsewhere, and also with the Maharaja for some time past. It could not be clearly ascertained to what caste she belongs. I have also heard that she is pregnant; but until the delivery takes place she is not fit to be given or taken in marriage, because if the issue prove to be a daughter, there are many objections to such a woman being given in marriage. Religious opinion should also be obtained about this. Excepting Luxmee the Maharaja may marry any one in the other Mahratta families such as Sirkey, Mohitay, Mahadeck, Goojur, &c. This marriage is contrary to rule, and therefore should not take place.

I have written the above for your information. The same has also been made known to the Maharaja. A yad has also been sent to His Excellency the Governor-General. This is a matter which should surely be taken into consideration. I have heard it as certain that the marriage is to take place on Waishak-Sood 6th.* It is difficult to get opinion from all places before that time. I have therefore sent this yad in order that the marriage may be stayed. You are powerful to take the same into consideration and arrange accordingly.

* 7th May.

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No. 126–479, dated Nowsaree, 7th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 114–445 of 1874, dated 28th ultimo, and subsequent telegrams on the same subject, including mine of the 4th instant, to the effect that the marriage of His Highness the Maharaja with Luxmee Bai was announced for the 7th instant (this day), and that I was required to decide at once whether I would go or not, I have the honour to report, for the information of His Excellency in Council, that early on the morning of the 5th instant I communicated to His Highness' Dewan the instructions conveyed in the Private Secretary's telegram of the previous evening, viz., that a Guard of Honour would be furnished as usual, but that I could not attend the marriage. In reply to this the Minister decided that it would be best not to have the Guard of Honour at all.

2. This appeared to me to settle the question, and I heard nothing more regarding it until yesterday evening, when Rao Saheb Bapoobhai and Govind Rao Mama came to me and asked if I could not go in a private capacity. I

replied that it was utterly impossible, the orders of Government being quite clear and distinct, and that I had communicated them to Nana Saheb and themselves on the morning of the 5th instant.

3. This appeared to me to satisfy them, and I heard nothing more about the matter until this morning at about a quarter past 9 o'clock when Rao Saheb Bapoobhai of the Durbar waited upon me with formal khureetas of invitation for His Excellency the Viceroy and Governor-General and His Excellency the Governor of Bombay. There was also a vernacular yâd addressed to myself, which I understood to be simply a formal invitation to the marriage similar to what was conveyed in the khureetas above noticed. I gave this yâd into the office for translation into English according to custom, and being busy at the time with an important telegram to Government I only detained Bapoobhai for three or four minutes, who before taking leave said that the Minister would wait upon me at about 11 o'clock. Understanding Bapoobhai to refer to the ordinary every-day visit which Nana Saheb pays me for the despatch of current business I assented.

4. Bapoobhai then left, and I resumed the telegram that I had been writing. Within three or four minutes however he returned and asked me whether 11 o'clock would be too early for the Minister to come, and I replied that half-past would be better, upon which he again left.

5. I then went into the office, when the translation of the Durbar yâd above referred to was put into my hand, a glance at which showed me that Bapoobhai's allusions to the Minister's visit had been misunderstood by me, and that other means having failed occasion was apparently about to be taken to involve me *nolens volens* in the ceremonial marriage proceedings of this day.

6. This view is further confirmed by the fact that a portion of the programme laid down in the yâd is antedated; and, moreover, that contrary to all customs only about an hour's notice is given to the Resident for consideration as to the course which he ought to follow in a question which, under the circumstances, involves many points of the highest possible importance.

7. The Durbar yâd is as follows:—

"TRANSLATION of Durbar Yad No. 782, dated 7th May 1874.

"THE third marriage of the Sirkar is to take place on the evening of Vaishak Shood 6th, Thursday 7th May 1874. The following arrangements should be made about it by the Residency:—

"1st.—At 9 o'clock a.m. of 6th May Rajeshree Sivajeerao Khanelker Dewan Bahadoor and the bride's father will come with 'axit' (rice).

(On the date aforesaid, *i.e.*, the day of the yâd.)

"2nd.—The Resident with all the European Officers should come at 3 o'clock p.m. to the temple of Bukaleshwur Mahadeo at the Nowsaree Thanna, where Shrimunt pooja is to be made, and riding on an elephant with the Sirkar should go to the marriage 'Munday.'

"3rd.—Four companies of Regiment with Band should come at 7 o'clock in the morning, and should stop at the left side of the bungalow at the race-course, and at the time of the arrival of the sowaree should only present arms; no firing to take place. The firing should take place along with the firing of the guns when the marriage takes place, and afterwards the companies should return.

"4th.—At 5 in the evening the guns should be brought and kept in the open ground near the place aforesaid, and after the marriage has taken place should give a salute of 21 guns and then return.

"The above has been written, kindly therefore arrange accordingly."

8. Feeling that consistently with the orders of Government, as well as with what had already happened between myself and the Minister on the subject, I could not give my official countenance to a formal procession of all the Officers of State, accompanied by a large body of troops, bands, &c., from the Palace to the Residency, and there in formal Durbar receive the Minister, offer my congratulations to him and the bride's reputed father, as well as to all the principal

members of the Court, accept the rice which is the symbol of acquiescence in the marriage, and thus publicly testify to the whole of Guzerat the cordial participation of Government in the ceremonial of this day, I at once wrote the following reply to His Highness' yâd, and despatched it by my Assistant, Mr. Crawley Boevey, who delivered it to the Minister at His Highness' residence. This measure was rendered absolutely necessary in order to prevent the actual departure of the procession towards the Residency, it being then nearly 11 o'clock:

"Dated Nowsaree, 7th May 1874.

"From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

"I HAVE the honour to acknowledge the receipt of Durbar yâd No. 782 of this date, which was received by me from Rao Saheb Bapoobhar at about a quarter past nine o'clock this morning.

"Upon reading the above yâd I find that a certain programme connected with inviting me to the marriage is laid down for your Highness' Minister, which was to have been carried out yesterday, but which Rao Saheb Bapoobhai informed me would be carried out in the course of this morning at 11 o'clock, or in about an hour hence.

"At present I have only time to inform Your Highness that as I on the 5th instant privately informed Your Highness' Minister that under instructions from Government I should be unable to accept Your Highness' invitation to the Marriage, I trust that you will be so kind as to countermand the ceremonial procedure laid down in the yâd under reply, in which under the circumstances already explained I am unable to take part.

"A Guard of Honour was offered to Your Highness' Minister a day or two ago, but it was not accepted owing to my own non-attendance.

"I received Your Highness' khureetas for His Excellency the Viceroy and Governor-General and the Governor of Bombay this morning, and will duly forward them by post to-day on receipt of English copies thereof and the usual forwarding yâd."

9. Shortly after the despatch of this yâd, Rao Saheb Bapoobhai returned to the Residency and endeavoured to induce me to telegraph to Mahableshwur for orders whether I should take part or not in the ceremonial which I have described in paragraph 8 above. I replied, however, that as the marriage was to take place in a few hours, not only was there insufficient time for an answer, but that no additional orders were in my opinion necessary; that the invitation having already been formally declined by me on the 5th instant, under the orders of Government, this formal repetition of it was contrary to all custom, and, if permitted, would oblige me to refuse it again in my own Durbar, and thus matters would assume a serious form which had not resulted from the private mode of settlement adopted by me on the 5th instant; in short, that an invitation formally declined could not with propriety be repeated in the manner desired. Moreover, that even adopting the Durbar's own point of view, they ought to have made their programme known to me some days previously at least; and that their omission to do so until within an hour or so of the actual commencement of the ceremonies was altogether unusual and inexplicable; consequently that any difficulty which the Durbar might experience in this matter was entirely one of their own creation, for which they alone were responsible; finally I assured Mr. Bapoobhai that I was clearly of opinion that it would be impossible for me to take part in the ceremony allotted to me without violating both the spirit and letter of the orders which Government had thought fit to give me.

10. I refrain on this occasion from noticing the detailed procedure dictated by the Durbar in paragraphs 1 and 2 of their yâd, which appear to me to be contrary to custom in such cases.

11. In conclusion I would submit, for the consideration of Government, that if this marriage were an unobjectionable one it would not apparently have been necessary for the Durbar to adopt the unseemly tone which is, I think, clearly discernible throughout the whole of their proceedings in this matter, which from first to last have been different from those followed in any other instance on record, where all the preliminaries to a marriage are settled after the most mature deliberation between the Resident and the Minister. In fact I can arrive at no other conclusion than that a deliberate attempt has been made by the Durbar to defeat the orders of Government, and to entrap me into a formal recognition of the marriage independently of my actual attendance at the palace.

12. The following is the copy of a telegram which I received from Luxmee Bai's reputed father* this day as already reported to Government by telegram :—

* Sic in orig.

" His Highness Mulhar Rao is going to marry with my wife Luxmee Bai; pray prevent the illegal marriage. I have telegraphed to Government."

Mr. Boevey's report is attached :—

Dated 7th May 1874.

From ACTING ASSISTANT RESIDENT at BARODA, to RESIDENT at BARODA.

I HAVE the honour to report for your information, that in accordance with your instructions, I delivered to Nana Saheb Khanvelker the letter addressed by you to His Highness the Gaekwar, and informed him that as Government had prohibited your taking any formal part in the proposed marriage, you were not at liberty to receive the customary marriage procession which you had only just learned it was proposed to despatch to the Residency.

2. I need scarcely add that I was particular to convey my message in as courteous terms as possible.

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No. 129–482, dated Nowsaree, 8th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 126–479 dated yesterday, and in forwarding His Highness the Gaekwar's reply to my letter of the same date, I have the honour to submit, for the consideration of Government, what appears to me to be the present state of this case.

2. That His Highness the Gaekwar, for purposes of his own, determined to contract a highly unpopular marriage of doubtful propriety; that the British Government, for reasons of their own, determined to maintain a neutral attitude with respect to this marriage, and accordingly instructed their Resident to abstain from any personal participation in its ceremonies; that this neutral course proved so distasteful to His Highness, that in pursuance of the normal policy of the Gaekwar he endeavoured by every possible means to overcome it, and as a last alternative adopted a line of unusual and deceptive conduct which he hoped would in the hurry of the moment have secured the success of his plans. He was disappointed however, and the neutral attitude of the Government was maintained intact; yet instead of seeing and acknowledging his fault His Highness has assumed the unreasonable attitude of an aggrieved person; thus in point of fact, denying the right of the British Government to act as their own judgment and policy may dictate to be right under certain circumstances, and making it appear as if the exercise of this right were an insult.

3. In order to show how completely His Highness' sense of propriety with regard to this woman Luxmee Bai has long since been blunted, I may mention that some months ago he endeavoured to induce me to allow her to visit at the Residency, she being his kept-mistress at the time. I merely replied that whilst my wife was very glad to receive the Ranee and his own daughter she could not possibly receive Luxmee Bai. I felt at the time that the proposal was insulting, but knowing Mulhar Rao's character I remained silent regarding it.

4. Again, viewing the whole case as submitted to Government, His Highness has reason to be grateful to them for having tacitly endeavoured to deter him from too hastily contracting a marriage, which seems likely to sever him socially from all the Mahratta Chiefs in India and seriously to disgrace his own family.

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Dated Nowsaree Palace, 7th May 1874.

From His Highness MULHAR RAO MAHARAJA GAEKWAR SENAKHAS KHEYL SHUMSHER BAHADOOR, to RESIDENT at BARODA.

I HAVE received your letter of this day and am very much surprised and sorry that Government should have at all thought it right to prevent your attendance at my marriage.

You have asked me to countermand the usual ceremonial procedure for your invitation, and your Assistant, while handing to my Dewan your reply, personally told him standing in public Cutcherry that if he went to give you the invitation for marriage you would not receive him. You have thus not only prevented me from doing you the customary honours, but have in every way insulted me on this important occasion.

The original khureetas to Their Excellencies the Viceroy and the Governor of Bombay are in Marathee, copies whereof have already been furnished to you. It is not customary to send a forwarding yâd with such khureetas.

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No. 134–494, dated Nowsaree, 9th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

I HAVE the honour to forward a khureeta addressed by His Highness the Gaekwar to His Excellency the Governor.

2. I cannot but regard the contents of this document, firstly, as a renewal of the attack upon the Government policy respecting His Highness' marriage with Luxmee Bai, which was commenced on the 7th instant; secondly, as an attempt to establish a grievance in connection therewith without any grounds for complaint whatever; and thirdly, as a maliciously false personal attack upon the Resident, because in the performance of his duty he thwarted His Highness' wishes and maintained the strictly neutral attitude which he was ordered by Government to assume with reference to the marriage in question.

3. Before replying to the contents of the khureeta *seriatim* it is necessary to recapitulate the main facts of the case from the commencement, which show that the policy which I followed originated with the Government, not myself, and that His Highness the Gaekwar having adopted an unusual and deceptive line of conduct, tending to defeat that policy, I had no alternative but to counteract His Highness' manœuvres as I best could.

4. Government will recollect that His Highness' marriage with Luxmee Bai was at first fixed for the 27th April, and in reporting it I remarked that the Minister had promised to send in the usual khureeta, &c., and that pending its receipt I had said nothing about attending, &c.

5. It is here important to remark that according to *usual custom* this was the stage at which the preliminaries about troops, &c., should have been settled by the Resident and the Minister, a formal yâd being written by the Durbar requesting their attendance, according to the terms that might have been agreed upon; but though I was invited to attend the marriage on this occasion nothing about the marriage ceremonies was mentioned.

6. Owing to caste and other difficulties which then intervened nothing more was said to me about the marriage until the 28th April, when I reported "that "the marriage was fixed for the 6th May, and that as I had no lawful reason for "altering the usual routine in the present instance, I *should accept* His Highness' "invitation and take a Guard of Honour, "*unless I received orders from Government to* "*the contrary*. I also expressed the opinion that my personal presence at the "marriage would not affect the question of its legality or otherwise, but that "it rested with Government to decide whether they would advise His Highness "to clear up the point of legality before contracting a marriage which the circumstances disclosed in the petition of Luxmee Bai's reputed husband, Pandoo, "showed to be a doubtful one."

I carefully avoided doing so, pending the orders of Government.

7. Here again it is necessary to remark that according to *usual custom*, the date of the marriage having been again fixed for the 6th May, any requisition for troops and ceremonial procedure which the Durbar might have wished to make should have been submitted for consideration, and a yâd written accordingly. A Guard of Honour was asked for, it is true, but the Minister sent in no yâd requiring this ceremonial procedure of the Resident, as he ought to have done, none having been previously received.

8. Two days afterwards, viz., on 30th April, I received the following telegraphic reply from Government:—

"Give no Guard of Honour, and do not attend marriage on May 6th, without orders of Government of Bombay."

9. On Monday, the 4th May, the Minister on paying me his usual visit, announced that the marriage was finally fixed for the 7th idem, but that as His Highness had to undergo a preliminary ceremony next day (Tuesday, 5th May), His Highness required a reply whether I would finally accept the invitation or not. I accordingly at once telegraphed to Government, soliciting their decision in the matter, and I received a reply at about 5 o'clock next morning (5th May) dated from Mahableshwar, 4th May, as follows:—

"As it is customary, and cannot be held to imply sanction, furnish guard, but as you doubt the propriety of marriage you should not attend."

10. I at once communicated this final reply to the Minister Nana Saheb and Rao Saheb Bapoobhai and Govind Rao Mama on their calling on me early that morning, the 5th May.

I offered the Guard of Honour as ordered by Government, but it was declined with the remark that unless I attended it was of no use.

11. Here again no mention was made of any ceremonial procedure, obviously enough because the Members of the Durbar themselves had declined to accept the Guard of Honour, and on the part of Government I had formally declined His Highness' invitation, so that my connection with the whole ceremony ceased from this moment. Had the Members of the Durbar named thought otherwise they should at that time have addressed a yâd to me to that effect, and not have deferred it till the 7th instant, an hour before the marriage; had they done so their proposals would have been referred to Government, if necessary, but as no such proposals were made it is reasonable to suppose that no such were entertained, and it naturally followed that the Resident's participation in the affair ceased from this moment, nor did it ever enter into my mind that an invitation which had been thrice repeated, viz., on the 23rd and 28th April, and again on the 4th May, and had been formally and courteously declined in the name of the British Government on the latter date, would ever be renewed in any form, all negotiations regarding it having ceased on the 5th May in the manner above related.

12. I was well aware that throughout the whole period from the 23rd April to the 4th May, His Highness had been in a great state of excitement about the marriage in consequence of the opposition which he had had to contend against from his own subjects regarding it. During this period he visited me regularly every morning and Thursday morning as usual, but I never once spoke to him personally upon the subject, nor did His Highness ever touch upon it to me, but I knew that he regarded the attitude assumed by Government with the utmost dislike, and that he was at his wit's end to know how to overcome it.

13. On the afternoon of the 6th May, I was a good deal surprised by Rao Saheb Bapoobhai and Govind Rao Mama coming to me privately with a proposal that I should attend the marriage in my *private capacity*. This was in reality insulting, considering all that had occurred; but, knowing the men I had to deal with, I merely said courteously, but firmly, that the orders of Government were precise and clear, and that I could not possibly disobey or nullify them in any way.

14. Having thus failed to gain their purpose by open proposals in the various ways described they, as a last resource, bethought of the "usual yâd," the necessity for which had, of course, been superseded by the transactions of the 5th May, as reported in paragraphs 9 to 11 above. This, however, proved no obstacle, and a yâd was accordingly concocted bearing date the 7th instant, the day of delivery, in which allusion is made to certain ceremonies which ought to have taken place on the previous day (May 6th), but which, in point of fact, did not do so. Rao Saheb Rapoobhai called on me at about 9.15 a.m. on the day of the marriage, and after delivering the khureetas placed in my hand this yâd. He at the time of giving it said that Nana Saheb, the Minister, who usually came to me at 9 a.m., would come that day at 11 o'clock, to which I assented, under the impression that he was then engaged, and would attend for ordinary business afterwards. Bapoobhai then left, as I was busy at the time, but he returned in a minute or two, as asked if 11 o'clock were too early for the Minister to come. I replied that half-past would be better, but as on this occasion he spoke of "axit" in connection with the Minister's visit, I told him I would go and see the yâd, which had by this time been translated. On perusing this yâd I learnt that within an hour or so I was expected to take the same part in the commencement of the nuptial ceremonies of the day as I should have been required to do *had I accepted instead of declined* the invitation to the marriage on the 5th instant.

15. The yâd is as follows:—

"No. 782, dated 7th May 1874.

"To RESIDENT at BARODA.

"THE third marriage of the Sirkar is to take place on the evening of Vaishak Shood 6th, Thursday, 7th May 1874. The following arrangements should be made about it by the Residency:—

"1stly. At 9 o'clock a.m. of 6th May, Rajeshree Sivajeerao Khanelker Dewan Bahadoor and the bride's father will come with 'axit' (rice).

(On the date aforesaid, that is the date of the yâd.)

" 2ndly. The Resident with all the European Officers should come at 3 o'clock p.m. to the temple of 'Bukaleshwur' Mahadeo at the Nowsaree Thanna, where the 'Shrimunt Pooja' is to be made, and riding on an elephant with the Sirkar should go to the marriage 'Munday.'

" 3rdly. Four companies of Regiment with Band should come at 7 o'clock in the morning and should stop at the left side of the bungalow at the race-course, and at the time of the arrival of the sowaree should only present arms; no firing to take place. The firing should take place along with the firing of the guns when the marriage takes place, and afterwards the companies should return.

"Fourthly. At 5 in the evening the guns should be brought and kept in the open ground near the place aforesaid, and after the marriage has taken place should give a salute of 21 guns and then return.

" The above has been written, kindly therefore arrange accordingly."

16. It was now near 10 o'clock, and I for the first time clearly understood that if the Minister came with "axit" he would be accompanied by the whole sowaree of about 1,000 men, and within an hour would be on his way to the Residency in pursuance of No. 1 of the above requests.

Nos. 2, 3, and 4 were merely written after true Gaekwaree custom, for record in the Residency and their own Dufturs to make it appear hereafter, in case of necessity, as if British troops had been actually present and performed the part allotted to them. In short, the whole composition was meant to nullify the neutrality of the British Government as far as possible now and hereafter.

17. Seeing that no time was to be lost, I at once wrote the following reply, and in the interim despatched a private note to the Minister not to leave the palace until he had received my official reply.

18. That reply was as follows:—

" Residency, Nowsaree, 9-45 A.M., 7th May 1874.

"I have the honour to acknowledge the receipt of Durbar yâd No. 782 of this date, which was received by me from Rao Saheb Bapoobhai at about a quarter past nine o'clock this morning.

"Upon reading the above yâd I find that a certain programme connected with inviting me to the marriage is laid down for Your Highness' Minister, which *was* to have been carried out yesterday, but which Rao Saheb Bapoobhai informed me would be carried out in the course of this morning, or in about an hour hence.

"At present I have only time to inform Your Highness that as I on the 5th instant privately informed Your Highness' Minister that under instructions from Government I should be unable to accept Your Highness' invitation to the marriage, I trust you will be so kind as to countermand the ceremonial procedure laid down in the yâd under reply, in which, under the circumstances already explained, I am unable to take part.

"A Guard of Honour was offered to Your Highness' Minister a day or two ago, but it was not accepted owing to my own non-attendance,

" I received Your Highness' khureetas for His Excellency the Viceroy and Governor-General and the Governor of Bombay this morning, and will duly forward them by post to-day on receipt of English copies thereof and the usual forwarding yâd."

19. It was near 11 o'clock when this reply was ready for despatch. In order, therefore, to ensure its reaching its destination as speedily as possible, and thus prevent the formation and departure of the procession, I deputed my Assistant, Mr. Crawley Boevey, to deliver it himself at His Highness' Palace, which was done in a most courteous manner, and happily effected the object I had in view, viz., to maintain the neutrality of Government intact and prevent the formation of the procession.

20. Having thus given an exact and detailed recapitulation of what took place from first to last in this matter, I respectfully submit that so far from His Highness having any "open outrage" or "public insult," or even the least shadow of a grievance to complain of, the very reverse in the case; the Durbar procedure on the 6th, in endeavouring to induce me to disobey my orders "privately," and again on the 7th instant publicly, being most improper, and indeed insulting to the British Government. This I felt it to be at the time, but refrained from noticing it particularly in consequence of the orders which I have received to avoid all possible causes of irritation at the present time. It is clear, however, that the procedure of the 7th May was forced upon me in a manner over which I had no control.

21. I now proceed to submit detailed replies to each point mentioned in the khureeta, but before doing so it is necessary to remark, with reference to the personal turn which the Durbar have in His Highness' name given to this affair, that such a proceeding is only in strict consonance with the traditional policy of the Durbar in such cases. A reference to the correspondence which took place during the years 1823 to 1827 between the Resident and Government, *vide* Colonel Wallace's printed compilation, chapter 13, shows that the main object of Syajee and his advisers was invariably to give a personal turn to any difference that might arise between the Resident and His Highness the Gaekwar. Syajee's advisers did not hesitate in the name of their master to charge Mr. Williams, then Resident, with every species of obloquy and crime. The Resident was openly charged with conspiring with the Minister to place the Gaekwar under restraint, with insulting the Gaekwar by not attending the Dussera procession, &c., &c. To such a pass in fact did matters come that Syajee declined to correspond with Government through the Resident, and calumniated the latter by every means in his power.

22. Precisely the same tone was assumed towards Mr. Sutherland in 1839, and Colonel Outram in 1848, and is in fact habitually employed as a last resource with every officer whom the Durbar is unable to move by other means.

Replies to specific statements made in the khureeta.

| *Account given in His Highness' Khureeta.* | *Remarks by Resident.* |
|---|---|
| I HAVE now with great regret to bring to Your Excellency's notice a public insult which I have received at the Resident's hands. | No public insult whatever was either offered to, or received by, His Highness. His deceitful attempt to inveigle the Resident into disobeying the orders of Government was merely defeated in a firm, but strictly courteous, manner, called forth solely by His Highness' own act, as explained above and in previous correspondence. |
| 2. As usual I sent a yâd informing the Resident that the customary invitations for my marriage would be brought to him by my Minister and relation, with the usual ceremonial procedure. | The procedure followed by the Durbar in this instance was absolutely without precedent and not "usual" as incorrectly stated by His Highness the Gaekwar in the khureeta. The usual course on such occasions is for the Minister to settle all preliminaries with the Resident several days previously to the marriage, upon which the Resident addresses the Commanding Officer of the troops, instructing him as to what part his men are to take in regard to saluting the marriage procession as it passes a certain point. Therefore the yâd presented on this occasion an hour before the time for the ceremonies to commence ought to have been presented on either the 23rd or the 28th of April, when verbal invitations were given, in which case a written answer would have at once been given to the effect finally ordered by Government on the 4th of May, and thus all misunderstanding would have been quite impossible. If, therefore, His Highness considers that he has incurred any indignity in this matter (which is not admitted), it is solely due to his own unusual course of procedure, and he alone is responsible for it; the course of action forced on the Resident was carried out in as courteous and dignified a manner as was possible under the circumstances of the case; and nothing that His Highness can urge to the contrary can possibly controvert the facts stated. |
| &c. - &c., &c. | In the first place, this proposed procession to the Residency was, strictly speaking, not to give an invitation, as asserted, simply because the invitation had already been formally declined in the name of Government on the 5th instant, and again on the 6th idem, under the circumstances explained. The proposed visit was therefore a deliberate attempt to make the Resident a partaker in the marriage ceremonies, a course which he had been distinctly ordered by Government to refrain from. |
| 3. While the preparations for the procession had advanced more than half the way to the Residency the Assistant Resident brought a letter | The Assistant Resident reports that at the time of his arrival at the Palace no procession had even been formed!! In fact the members of the Court were, as stated by His Highness himself, in the Durbar-room. |

addressed to me wherein the Resident asked me to countermand the usual ceremonial procedure, &c., &c., &c.

Thus the main object of my sending the Assistant Resident was satisfactorily effected. Whatever impression the writer of the khureeta intends to convey by the manner in which he has expressed this part of it, it does not affect the facts of the case as reported by Mr. Boevey, in the letter which I forwarded to Government yesterday, viz., that he was particularly careful to be most courteous in his manner towards the Minister and all who were in the Durbar. I regarded the despatch of Mr. Boevey on this duty as an honour to His Highness, whereas the writer of the khureeta seems by his tone to regard it as an "open outrage" and "public insult." The fact is that His Highness is extremely angry at the failure of his scheme for nullifying my neutrality, and is vainly endeavouring to show that he was insulted. His Highness evidently thought that by leaving me no time to consider I should have yielded under the belief that the procession composed of about 1,000 men was already in full march to the Residency, which would have been the case, somehow or other, had I not sent Mr. Boevey to make matters quite sure. So anxious was I upon this point that I I even sent a private note to the Minister shortly before Mr. Boevey left, begging him to await the receipt of my official yâd.

8th May.

4. The effect of all this upon those immediately present and subsequently on all my subjects, not here alone, but in all my territory, cannot but be to lessen the respects of my subjects towards me, and to very largely increase the present difficulties of my Administration.

How His Highness could reasonably arrive at this conclusion in consequence of the deputation of my Assistant to the Minister it is quite impossible to conceive. The real cause of His Highness being lowered (if at all) in the eyes of his subjects is the fact that the proposed connection with Luxmee Bai was one of such doubtful propriety that the British Government deemed it absolutely requisite to hold aloof. Indeed I believe that His Highness' action with regard to this has in fact already produced of itself the very result which he is now anxious to saddle upon the British Government and the person of the Resident. That His Highness' action could have had no other result is evident from the fact that not only the whole of Guzerat, but the Mahratta Chiefs generally, are said to entirely disapprove of the marriage as lowering to His Highness' honour and dignity; and representations to this effect have already been forwarded by me to Government from several Mahratta families of distinction. It is also important to call to mind the instance of Bulwunt Rao Guicowar, mentioned at pages 227 and 581 of Colonel Wallace's compilation, from which it will be seen that although Bulwunt Rao was the son of His Highness Anand Rao by his favourite wife Tukht Bai, who was a Rajpootanee, yet that, not being according to Mahratta law and precedent a legal wife, Bulwunt Rao's claims to the succession were rejected as illegitimate. If, therefore, the offspring of a high-born Rajpoot lady, who was lawfully married to His Highness Anand Rao Guicowar, was considered illegitimate, of how much more doubtful propriety is His Highness' marriage with a woman, who is not only alleged to be the wife of another man, but whose caste and origin are involved in great doubt. This is submitted to show the absolute necessity that existed of scrupulously abstaining from any action which might possibly be construed into an acquiescence in the marriage on the part of Government, and under these circumstances I believe that the action of Government in this matter whilst offensive to His Highness and his evil advisers has commanded the respect and cordial approval of every right-thinking man connected with the Baroda State.

5. Much as I have already suffered in dignity and authority from the Resident's open hostility to my Ad-

It is well that the writer of the khureeta explains that the "open outrage" of which he complains is the cause of this personal attack. He speaks of many

ministration, I have refrained hitherto from complaining thereof, as I was unwilling to increase the difficulties into which that very hostility has brought me with the British Government. But this open outrage to me in the midst of my Durbar makes it impossible for me to remain any longer silent; the more particularly as it was entirely gratuitous and unnecessary. Common courtesy demanded that I should have been allowed to do the Resident the customary honours on such an occasion, but when the conduct on the part of a Resident to a State involves great political consequences, it was the more incumbent upon him to be particularly careful in his acts before the public; the many petty slights, discourtesies, and harsh expressions which I have hitherto thought it proper not to notice have now culminated in this public insult, and I trust I shall not appeal in vain to Your Excellency for redress.

6. The duties of the Resident at my Court have been repeatedly and emphatically laid down by several illustrious British officials, but it has been my misfortune to experience a totally opposite treatment for some time past. (Then follow quotations.)

petty slights, discourtesies, and hard expressions which have now culminated in this "public insult." He does not specify, however, one of the petty instances in which I have acted discourteously to him; but it seems clear that if my obedience to the orders of Government as above described constitutes an "open outrage" and a "public insult," the petty discourtesies complained of cannot be very serious. But I can conscientiously state that I have never on any one single occasion either slighted or acted discourteously to His Highness; and up to the 25th of October last at all events, prior to which all my oral intercourse on business matters took place with him, His Highness held a very different opinion. For instance, in his khureeta to His Excellency the Viceroy and Governor-General, dated 25th of October 1873, His Highness thus records the opinion he had formed of me up to that date:—

"I am deeply obliged to Colonel Phayre, whom I consider as my best friend and well-wisher of this State," &c., &c.

* * * * *

"Being backed in my endeavours at reform by a zealous and energetic officer and Resident like Colonel Phayre, who is only, I am happy to say, too glad to assist me with his advice and to the best of his power in carrying on these views as well as those affecting the grandeur, honour, and stability of my State, and whose appointment at such a time as Resident at my Court I have therefore reason to congratulate myself upon, &c., &c., &c."

This was His Highness' opinion up to the arrival of the Commission, since which I have never discussed business matters with him personally, neither have his friendly visits at the Residency ever been interrupted, or the usual interchange of civilities and courtesies at shikar or other parties ceased up to this day. Indeed, it was only on the 5th instant that I forwarded a telegram from His Highness to his Excellency the Governor, proposing that I should accompany his Minister, Sivajeerao Khanelker, to Mahableshwar and Calcutta for the purpose of representing what His Highness wished to say regarding the Commission report; and, moreover, it was only yesterday, the 8th instant, after the alleged "open "outrage" and "public insult" referred to in this khureeta is alleged to have occurred that His Highness' Minister invited me to take a trip with His Highness in a small steam tug on the Nowsaree creek, which I accepted, so that His Highness' advisers, according to their usual policy, appear to be carrying on a paper war for their own purposes, whilst the actual routine of friendly intercourse goes on as usual. Had rupture of any kind actually occurred it would have been my immediate duty to have brought the same forthwith to the notice of Government.

The historical sketch of the relations between the two Governments, which I had the honour to submit to Government with my letter No. 128–481, dated 7th May 1874, is the true answer to this portion of His Highness' khureeta, and shows that during the last fifty years and upwards certain periods have occurred during which the exceptionally bad conduct of certain Rulers of Baroda has called for exceptional action on the part of Government and of the Residents under their orders. A perusal of that sketch, as well as the proceedings of the Commission, shows that the Baroda State is passing through such a period at the present time; and as the only tangible accusation which His Highness brings forward on the present occasion is that of the alleged "open outrage" of the 7th instant, I do not deem it necessary to occupy His

Excellency's time with further remarks on the matter at the present time, although I cannot but feel that if any one has been insulted in the course of the marriage proceedings under report it is the British Government in the person of their representative, and not His Highness the Gaekwar.

23. I have now answered in detail every point mentioned in this khureeta, and in conclusion I have only to invite the serious attention of Government to the following facts which seem to throw an important light on this most improper composition.

24. I have already shown what the personal feelings of His Highness were towards me up to the 25th October, and even in the telegram of the 5th instant, proposing that I should accompany the Minister and certain members of the Durbar to Mahableshwar and Calcutta to represent His Highness' views upon the Commission Report.

25. I have already reported to Government that immediately after the arrival of Mr. Dadabhai Nowrojee at Baroda in December last, a perceptible difference in tone was at once apparent in all official communications from the Durbar, the first public intimation of which was given in the khureeta from the Durbar to His Excellency the Viceroy and Governor-General, dated 31st December last, which was commented on by me at the time.

26. The khureeta under notice corresponds in a most remarkable manner both in thought, argument, and style with the well-known "precedence" khureeta dated 5th December 1872, which is known to have been the work of Mr. Dadabhai, and for the writing of which, and agitation of which question, he obtained Rupees 50,000 from His Highness the Gaekwar. This remarkable similarity leaves no doubt whatever in my mind that this production is the work of Mr. Dadabhai Nowrojee alone; and that this is a fact most material to consider in forming an opinion upon its real weight and significance. Mr. Dadabhai Nowrojee is at the present moment a thoroughly disappointed man; he is unanimously pronounced to be a failure here as an aspirant to the office of Minister, not having been able up to the present time to effect any reforms or carry out any weight whatever in dealing with the ordinary administration of the affairs of the State.

27. The last accounts heard of Luxmee Bai's reputed husband Pandoo are to the effect that a Vakeel of the Surat Session Court and two of the best pleaders of the High Court in Bombay have been retained on his behalf, and that the Surat Vakeel accompanied by Pandoo has proceeded to the Surat District Court to lay his case before the Magistrate having jurisdiction.

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P.S.—11th May 1874.—With reference to the supposed connection of Mr. Dadabhai Nowrojee with the khureeta under notice referred to above, I think it material to bring to the notice of His Excellency in Council that when the Minister Nana Saheb visited me this morning, I asked him point blank who wrote this khureeta. He informed me that Mr. Dadabhai Nowrojee was the author of it. I then asked him if he knew its contents, and he replied in general terms that he did; as, however, I doubted the extent of his information, I caused the khureeta to be translated to him orally in Guzeratee, and on hearing the sentence "much "as I already suffered in dignity and authority from the Resident's open hostility "to my Administration," &c., he at once repudiated the obvious direct meaning of the words, and proceeded to explain that the idea intended to be conveyed was that the statements of persons hostile to the Durbar were heard and acted upon, but disclaimed *in toto* any intention of intimating personal hostility on the part of the Resident. I then asked Nana Saheb whether as a military man he considered the despatch of a letter by an A.D.C. as an honour, or an "open outrage" and a "public insult;" his answer of course was that it was an honour, and on my pointing out that Mr. Boevey's mission was precisely analogous, he of course did not pretend to dispute it. He also expressed his disapproval of the general tone of the khureeta by saying that such a production would never have emanated from any of the old Durbar servants, and appeared to express anxiety as to whether it would be despatched to-day or to-morrow. I replied that it would be despatched to-day, as it was necessary to despatch such a document to Government as soon as possible.

This expression of opinion may or may not be due to a personal feeling of rivalry towards Mr. Dadabhai Nowrojee on the Minister's part, but as I have heard from independent sources that the withdrawal of the khureeta was actually mooted in the Durbar, I feel little doubt of its substantial correctness, and would respectfully submit that Mr. Dadabhai's connection with this insolent production fully justifies the opinion which I have before expressed of him as a "mischievous "political agitator," he having in this instance with his excellent knowledge of English customs and habits represented that to be an "open outrage," a "public "insult," and an act of open hostility to the Gaekwar which he must perfectly well have known was the very reverse.

Facts like this prove the utter unfitness of Mr. Dadabhai for the work of reform which he professes to have commenced, and, as I pointed out to the Minister, only tend to excite a dangerous irritation in the mind of the Maharaja, leading him to believe that he has a grievance, and thus making him more than ever disinclined to listen to any advice which the Government may think proper to offer him.

In conclusion Government will recollect that in my yâd to the Durbar, No. 2501 of 18th October 1873, forwarded to Government with my letter dated 21st idem, I used the following words:—

"Do not think you can divert attention from your own administration and your own personal acts since you came to the throne by a counter-attack on me. Persons may have taught you that such is a clever move to make, but believe me that it is an utterly futile one before the array of facts that can be brought forward. I have done nothing secretly, all has been as clear and open as daylight. I have, as Your Highness knows, endeavoured by argument as well as by entreaty to move you to do common justice to your people, but without avail, and therefore you must attribute the present state of affairs to your own self-will and to the evil influence of bad advisers."

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Dated Nowsaree Palace, 9th May 1874.

From His Highness MULHAR RAO MAHARAJA GAEKWAR SENAKHAS KHEYL SHUMSHER BAHADOOR, to GOVERNOR and PRESIDENT in COUNCIL, BOMBAY.

I HAVE now with great regret to bring to Your Excellency's notice a public insult which I have received at the Resident's hands.

As usual I sent a yâd informing the Resident that the customary invitation for my marriage would be brought to him by my Minister and relations with the usual ceremonial procedure. Rao Saheb Bapoobhai, who personally took the yâd, gave the Resident to understand clearly what the ceremonial procedure would be, and asked him to appoint a time for receiving my Minister. The Resident thereon expressed his desire that it should be before noon. Some time after a note was sent to my Minister in which the Resident asked him not to proceed to give the invitation before receiving an answer to my yâd. While the preparations for the procession had advanced more than half the way to the Residency, the Assistant Resident brought a letter addressed to me wherein the Resident had asked me to countermand the usual ceremonial procedure. While delivering the letter, the Assistant Resident standing, and not even accepting a seat offered to him, told my Minister in the midst of my public Durbar that if my Minister went to the Resident to give him the invitation the Resident would not receive him. The effect of all this upon those immediately present and subsequently on all my subjects not here alone but in all my territory cannot but be to lessen the respect of my subjects towards me, and to very largely increase the present difficulties of my administration. Much as I have already suffered in dignity and authority from the Resident's open hostility to my administration I have refrained hitherto from complaining thereof, as I was unwilling to increase the difficulties into which that very hostility has brought me with the British Government. But this open outrage to me in the midst of my Durbar makes it impossible for me to remain any longer silent, the more particularly as it was entirely gratuitous and unnecessary. Common courtesy demanded that I should have been allowed to do the Resident the customary honours of such an occasion. But when the conduct on the part of a Resident to a State involves great political consequences, it was the more incumbent upon him to be particularly careful in his acts before the

public. The many petty slights, discourtesies, and harsh expressions which I have hitherto thought it proper not to notice have now culminated in this public insult, and I trust I shall not appeal in vain to Your Excellency for due redress.

The duties of the Resident at my Court have been repeatedly and emphatically laid down by several illustrious British officials, but it has been my misfortune to experience a totally opposite treatment for some time past.

Mr. Mountstuart Elphinstone, while exacting some stringent terms for the fulfilment of the Bahadharee, specially guarded against the Resident acting in any way calculated to impair in any degree the respect of the subjects towards their sovereign. In the letter of the Bombay Government to the Resident of the day, he is told :—

"On occasions where it is necessary to advise you should be careful to give it in the least offensive manner and with perfect freedom and candour. It should be given with such privacy as to make the conduct suggested appear to originate with the Gaekwar himself, and on all occasions *you should* spare no pains to conciliate the confidence and good-will of the Gaekwar, as well as to uphold the character of his administration in the eyes of his subjects."

Wallace's Book, page 310.

Even when Sir John Malcolm issued a proclamation for the sequestration of certain pergunnahs in fulfilment of the Bahadharee, Government directed the Resident "to "maintain a scrupulous kindness of manner towards Sayajee, to forbear "cautiously from every word and act that could offend or irritate, and to seize "every opportunity of conciliation." Before Sir John Malcolm took the hard step of sequestration he had instructed the Resident :—

Wallace's Book, page 396.

"You should indeed take every opportunity you can of disclaiming all right of interference with his internal affairs, and of directing the attention of those who apply to you for favours or indulgences of any kind to their Prince as the medium through which alone you could receive such applications.

Malcolm's Government of India, page 17.

Nothing can more add to his consequence and consideration than such daily acts of the British Resident, or tend more to show the desire of that Government to maintain undiminished his authority overy every class of his subjects."

Lord Clare, when visiting Baroda, under trying circumstances, desired and was instructed by the Honourable the Court of Directors to meet and treat that Prince "with "the utmost distinction and consideration."

Wallace's Book, page 410.

Sir James Carnac, in his kind khureeta of 1841 says :—"I entreat you to "believe that in all the advice which I have "given you (I trust effectually) I have been "influenced solely by a regard to your own welfare and to the maintenance of "your high position as the head of the Gaekwar State."

Aitchison's, Vol. VI., page 355.

Such has been the solicitude of all these eminent British officials to treat the reigning Prince with consideration and kindness, and they have always instructed the Resident to do so. Almost all former Residents have, it must be acknowledged to their credit, loyally carried out these kind instructions, and it has been only my misfortune that I have had for some time past a totally different treatment.

The chief duty of the Resident at this Court is to preserve and promote the friendly and loyal relations which have subsisted under every possible circumstance from the very commencement of the connection between the two States. But I leave it to Your Excellency to judge whether such a desirable result could be attained with a Resident so continuously unkind towards me and so indifferent to my feelings as to outrage them in the midst of a joyous occasion in my own public Durbar.

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Dated Bombay Castle, 27th May 1874.

From His Excellency the GOVERNOR of BOMBAY, to His Highness MULHAR RAO GAEKWAR SENAKHAS KHEYL SUMSHER BAHADOOR.

I LOSE no time in replying to Your Highness' khureeta of the 9th instant, in which I regret to find that you charge the British Resident with having offered you a public insult.

It is therefore necessary for me to recapitulate the circumstances which, in my opinion, led to the transaction which has given Your Highness so much offence.

It appears that on the 23rd April the Resident learned that Your Highness had determined to celebrate your marriage on the 27th of that month, and the Minister intimated to him that the usual khureeta would be sent. A postponement to the 6th May took place; and during that interval representations were made to the British Government that your intended bride had been previously married to a British subject, who was still alive. It was considered proper therefore that until this representation had been proved to be untrue the British Government should abstain from giving that formal countenance to the marriage which would be implied by the official presence of the Resident at the ceremony. Colonel Phayre was therefore directed to furnish a Guard of Honour if required, but not to attend himself.

During all this time no formal communication was made by the Durbar, as is customary on such occasions, to the Resident as to the ceremonial to be observed.

But on the morning of the 5th May (the marriage having been again postponed to the 7th), when three members of the Durbar called on the Resident, he informed them he could not attend, but would give the Guard of Honour, which they said would be of no use. Two of them called again on the evening of the following day to propose that the Resident should be present in his private capacity, which was declined. Your Highness appears to have been left so completely in ignorance by your Ministers of what had passed between the Resident and themselves, that on the 7th May, the day appointed for the marriage, you addressed to Colonel Phayre a communication prescribing the ceremonial to be observed, including that personal attendance which your Ministers had been distinctly informed he had been instructed not to give.

This communication reached him about two hours only before the ceremonies were to begin, and before, as a part of them, a large procession headed by the Minister was to proceed to the Residency as a preliminary to his appearing at the marriage. And Colonel Phayre as soon as he became fully aware of the purport of Your Highness' letter, being most anxious to avoid any public slight, despatched his Assistant with an answer, in the hope that by so doing he might be in time to prevent the formation of the procession.

I feel sure that Your Highness, with this explanation before you, and being thus made acquainted with what had passed between the Resident and your Ministers, will perceive that the former acted in obedience to his instructions, and will acquit him of any intention to offer you a public insult.

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No. 154–557, dated Baroda, 29th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

I have the honour to state that again this morning Rao Saheb Bapoobhai and Govindrao Mama called at the Residency to invite me to the Aher Durbar, which is to conclude the ceremonies connected with Luxmee Bai's marriage.

2. I informed them that having received, as before intimated to them, the positive orders of Government not to mix myself up with that marriage in any way, I had no reason to believe that Government would rescind those orders. I told them that I had sent on the Minister Nana Saheb's note of invitation, dated 20th instant, for the information of Government.

3. I have been informed that on the 26th instant a large dinner was prepared by His Highness' orders for his relatives and principal men of the Mahratta caste at Baroda, but that with the exception of the Minister Nana Saheb, Hariba, Gaekwar, and the Synaputtee (the brother of the Ranee Malsa Bai) no persons of note attended; and that His Highness' son-in-law, Tatya Saheb Sirke, and others positively declined to attend under the plea that they would lose caste by so doing.

4. This has given great offence to His Highness, who, I have this day been informed, intends to repeat the experiment on or before the 4th June, the last day of the ceremonies, and to use force, if necessary, to compel such Mahrattas as are in the service of the State to attend.

5. I think it right to state that should His Highness be so ill-advised as to adopt this step a disturbance of some kind or other is more than probable, due notice of which will be given by telegram, should the unfortunate intention be persisted in.

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No. 164A., dated Baroda, 5th June 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

REFERRING to paragraphs 4 and 5 of my letter No. 154–557, dated 29th ultimo, and my telegram dated the 1st instant, and Government telegram in reply dated 2nd idem, I have the honour to report that yesterday the Mahratta and other Sirdars with their followers attended the Aher Cutcherry at the Palace in honour of the late marriage and presented nuzzerana, &c., &c. The European and other officers of His Highness' regular troop were also according to my information requested to present nuzzerana on this occasion, contrary to all rule.

2. The Mahratta Sirdars were then requested by His Highness the Maharaja to attend the caste dinner in honour of the occasion, which had been prepared at the house of Rukhmajee, the reputed step-father of the bride Luxmee Bai. This they respectfully declined to do, pleading that Luxmee Bai and her step-father, Rukhmajee, not being of the Mahratta caste, any Mahrattas who might partake of the dinner would be put out of caste thereby, and consequently that they would be unable to marry their daughters into respectable Mahratta families, and would be otherwise losers of caste privileges, &c.

3. For a day or two previously rumours were in circulation in the city that if the Mahratta Sirdars and their followers refused to comply with the Maharaja's request to partake of this dinner, force would be used to compel them to do so. No such force, however, was resorted to, though it was said that both police and infantry were held in readiness for the purpose; and doubts were expressed whether these bodies would act against their comrades in such a cause if called upon to do so.

4. When the Durbar was concluded the Mahrattas returned quietly to their homes, where it is said that efforts were made by Rao Sahib Bapoobhai and Govind Rao Mama to induce them to attend the dinner, but without success.

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No. 450–1493, dated Baroda, 31st December 1874.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

I HAVE the honour to acknowledge the receipt of your letter No. 7655 of 17th instant,* concerning the circumstances attending the alleged marriage of His Highness the Gaekwar with Luxmee Bai, and the birth of a son to His Highness; forwarding also a khureeta from the Viceroy to the address of the Gaekwar to be delivered to him.

* Transmitting Government of India letter, No. 2739 P., of 12th December 1874.

2. It appeared to me that if I at the present moment carried into effect the instructions contained in paragraph 2 of the Government of India letter No. 2739P.* of the 12th instant, I might tend to re-agitate the public mind in the Gaekwar's territories in regard to the rights of the infant. For "to cause such "honours to be paid as are usual on the occasion of the birth of a son to the "Gaekwar" might lead the nobles and other classes to the conclusion that the Government of India recognized the legitimacy of the infant, and that the infant would in all probability inherit the Gadee. And the entertainment of this inference by those classes might, I think, during the present crisis prove inconvenient.

3. Accordingly I submitted a telegram to the Foreign Secretary requesting permission to suspend action in the matter until His Excellency the Viceroy and Governor-General in Council should receive my present report. My request was acceded to, and the khureeta remains with me.

4. In a matter of this kind and under the peculiar circumstances in which this State now finds itself, time is on our side, and I would deferentially suggest that the khureeta be left undelivered for the present; and that when it shall be delivered care be taken to avoid all risk of the community in general being led to attribute to the khureeta any tenor or intention other than the bald acknowledgment of the Gaekwar's khureeta announcing the birth of the infant.

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No. 31, dated Bombay Castle, January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I AM directed to acknowledge the receipt of your letter dated the 31st ultimo, No. 450–1493, regarding the khureeta addressed by His Excellency the Viceroy to His Highness Mulhar Rao Gaekwar on the occasion of the birth of a son to His Highness.

2. In reply, I am desired to state that Government concur with you in the suggestion contained in the 4th paragraph of your letter, and the Government of India will be addressed accordingly.

## Correspondence between Government of Bombay and the Viceroy.

Telegram, dated 30th April 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

GAEKWAR has asked Resident to provide Guard of Honour at Nowsari for his marriage with his mistress Luxmee Bai on or about May sixth. Formal complaint previously made by the alleged husband, residing district Ahmednuggur, whom Resident referred to the Magistrate District. She is said to have been pregnant for two months. Phayre has been ordered not to give Guard of Honour without our orders. Viceroy and Governor-General's instructions solicited.

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Telegram, No. 1000P., dated 2nd May 1874.

From FOREIGN SECRETARY, CALCUTTA, to PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR.

YOURS of 30th. It is not customary to give guards on such occasions in Central India. We are not informed as to Bombay custom, but if it has been customary to give such guards, a guard should not be refused on account of doubts entertained as to the propriety of marriage.

If not customary a guard should not be given on the ground that it is not desirable to alter established usage.

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Telegram, dated 3rd May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

QUITE customary to give Guards of Honour, and Resident attends at recognised marriage of Gaekwar. This marriage exceptional, and reason to believe, if consummated, mistress punishable under Chapter twenty Penal Code. Resident's presence and Guard of Honour mean in opinion of this Government sanction of Government. Without the Viceroy and Governor-General's express orders Government of Bombay will not sanction this step. Except for the recent order of the Viceroy Government of Bombay would have advised postponement of the sudden marriage till allegation of her previously existing marriage were disproved.

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Telegram, No. 1002P., dated 4th May 1874.

From FOREIGN SECRETARY, CALCUTTA, to PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR.

VICEROY desires that the guard be furnished as it is customary and cannot be held to imply sanction or approval of Government to marriage. As Resident doubts propriety of marriage he should not attend.

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Telegram, dated 4th May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

MARRIAGE announced for 7th instant. Is Resident to attend or not? I am directed to add that the woman is a dhobee.

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Telegram, dated 4th May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

ORDERS received and attended to.

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Telegram, dated 6th May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

MY telegram 30th April. Enquiries show that alleged husband is known to police, and addicted to making false charges. His statement appears false. Propriety of marriage still questionable, and therefore Governor presumes late orders need not be modified.

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Telegram, No. 1010P., dated 7th May 1874.

From FOREIGN SECRETARY, CALCUTTA, to PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR.

PREVIOUS instructions may stand.

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Telegram, dated 8th May 1874.

From SECRETARY, GOVERNMENT of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

RESIDENT telegraphs this day—Received telegram this day from Surat from Pandu. Requests that marriage of his wife with Maharaja may be stopped. Would Government of Bombay wish me to take any action regarding Pandu. Invitation to marriage for Viceroy and Governor of Bombay received this day. Telegram ends. Resident ordered to take no action regarding Pandu's telegram. We have also received telegram from Pandu and referred him, if he has complaint, to Magistrate.

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No. 1P., dated Mahableshwar, 9th May 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, FOREIGN DEPARTMENT.

WITH reference to previous telegrams respecting His Highness the Gaekwar's proposed marriage, I beg to forward herewith copy of a report from the Resident at Baroda.

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No. 2P., dated Mahableshwar, 10th May 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

IN forwarding the accompanying copies of reports* from the Resident at Baroda, with reference to previous telegraphic correspondence regarding His Highness the Gaekwar's intended marriage, I am directed to state that enquiries are in progress as to the position and family of the alleged husband of the intended bride.

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No. 2669, dated Bombay Castle, 13th May 1874.

From ACTING SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith, for delivery, a khureeta addressed by His Highness the Gaekwar of Baroda to His Excellency the Viceroy and Governor-General, inviting His Excellency to His Highness' marriage with his third wife, Luxmee Bai, which was celebrated on the 7th instant.

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TRANSLATION of a letter from HIS HIGHNESS THE MAHARAJAH GAEKWAR OF BARODA to HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL.

I BEG to state that Thursday, the 7th May 1874, has been fixed as the date for the celebration of my wedding with the daughter of Rajeshree Rookmajee Rao, the son of Gungajee Rao Jadho of Seeplapoor, and to request that Your Excellency will kindly be present on the occasion to witness the ceremony.

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No. 2670, dated Bombay Castle, 13th May 1874.

From ACTING SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

WITH reference to my letter of this date, No. 2,669, I am directed to forward, for the information of the Government of India, the accompanying copies of two* letters from the Resident at Baroda, with enclosures, on the subject of the marriage of His Highness the Gaekwar with Luxmee Bai.

† * No. 126–479, dated 7th May 1874. ‡ „ 129–482, „ 8th „ „

† P. 5. ‡ P. 8.

2. I am to state that in the opinion of this Government the Resident appears to have very properly acted upon the instructions conveyed to him by His Excellency the Governor.

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No. 2952, dated Bombay Castle, 27th May 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

Referring to my letter No. 2670, dated the 13th instant, I am directed to transmit, for submission to His Excellency the Viceroy and Governor-General in Council, copy of the papers marginally noted, regarding an alleged insult offered to His Highness the Gaekwar by the Resident in connection with His Highness' recent marriage.

*1. Khureeta from His Highness the Gaekwar, dated 9th May 1874.
†2. Letter from the Resident, No. 134–494, dated 9th May 1874.
‡3. Reply from His Excellency the Governor to the khureeta, dated 27th May 1874.

* P. 16. † P. 9. ‡ P. 17.

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No. 1,225P., dated Fort William, 6th June 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY.

I AM directed to acknowledge receipt of your letters marginally noted, submitting a copy of reports from the Resident at Baroda, and of the communication that passed between His Highness the Gaekwar and the Resident relative to His Highness' recent marriage and the proceedings connected therewith.

No. 2670, dated 13th May 1874. „ 2952, „ 27th „ „

2. His Excellency the Viceroy and Governor-General in Council entirely approves the manner in which Colonel Phayre executed the orders of the Bombay Government in regard to his attendance at the marriage ceremony and the compliments to be paid to His Highness on the occasion.

3. I am also to intimate His Excellency the Viceroy's concurrence with the reply of His Excellency the Governor to the Gaekwar's khureeta of the 9th May, in which His Highness complained of a public insult alleged to have been offered to him by the Resident; and I am to add that His Highness the Gaekwar appears from the correspondence to have acted in this affair with grave impropriety. The Government of India notice with much dissatisfaction the tone of, and the expressions contained in His Highness' letter of the 7th May to Colonel Phayre. Any repetition of such language will be very seriously received; and the Resident should be instructed to report at once if at any time he is not treated by His Highness the Gaekwar or his Ministers in a manner suitable to his position as representative of the British Government.

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Telegram, dated 2nd June 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR to FOREIGN SECRETARY, CALCUTTA.

RESIDENT has been invited to marriage Durbar on 4th, which concludes the ceremonies consequent on Luxmee Bai's marriage. Government have directed him to decline invitation. Resident reported a few days back that a Maharatta dinner was given on the 26th by the Gaekwar, at which principal Maharattas

were not present. His Highness was offended, and intended to repeat experiment to-morrow, and use force to compel attendance of such Maharattas as are in his service. He telegraphed last night as follows:—"Some Maharatta Pagadars "came up this morning on the subject. I sent my Native Assistant to say I "could not interfere or see them. They replied if force were used they would "resist, and deprecated responsibility. Some were complainants before Commis- "sion. Shall I offer advice. Attempt comes off on 3rd I am told." To this reply has been sent. "Government desires you to adhere to your instructions and "offer no advice. You will report events by telegram if necessary."

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No. 5P., dated Mahableshwar, 3rd June 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed by His Excellency the Governor in Council to submit, for the information of the Government of India, the accompanying copy of correspondence* regarding the invitation to the Resident at Baroda to attend the last marriage Durbar of His Highness the Gaekwar.

† P. 18.

† * Letter No. 154-557 of 1874 only.

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No. 3426, dated Bombay Castle, 18th June 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

IN continuation of my letter No. 5P., dated the 3rd instant, I am directed to transmit herewith, for the information of the Government of India, copy of a further letter* from Colonel Phayre, C.B., Resident at Baroda, No. 164A., dated the 5th idem, reporting in connection with the last marriage Durbar of His Highness the Gaekwar.

* P. 19.

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No. 6260, dated Bombay Castle, 29th October 1874.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN continuation of previous correspondence on the subject of the marriage of His Highness the Gaekwar with the girl Luxmee Bai, I am directed to transmit to you, for submission to the Government of India, the enclosed copy of the papers noted in the margin, embodying the results of an investigation into certain allegations made by one Pandoo affecting His Highness the Gaekwar in respect of Luxmee Bai whom Pandoo claims to be his lawful wife.

1. Letter from the District Magistrate of Ahmednuggur, No. 2418, dated 3rd October 1874, with accompaniment.
2. Letter from the District Magistrate, Surat, No. 818, dated 12th October 1874.

2. In forwarding these papers, I am to state that His Excellency the Governor in Council has gone carefully through the depositions of the several witnesses who have been examined in this case, and His Excellency in Council is of opinion that the evidence adduced is too weak to justify the issue of an order for the extradition of Luxmee Bai and the other persons alleged to be implicated with her, should a demand for their surrender be made. It is, however, extremely improbable that any such demand will be made, inasmuch as Pandoo, the complainant, would appear to have been bought off by Agents of the Gaekwar, or otherwise got rid of.

3. On the question of the legitimacy of the son born to Luxmee Bai five months and nine days after her marriage with the Gaekwar, I am to observe that the Hindoo law holds a son born of a pregnant bride, and acknowledged by the husband to be his, to be legitimate. Apart, therefore, from other circumstances affecting the lawfulness of the marriage in other respects, Luxmee Bai's son would, according to this view, be regarded as the legitimate offspring of His Highness the Gaekwar.

4. The facts established regarding the antecedents of Luxmee Bai would show that while employed as a cooly in Surat she was taken to Baroda and made over

to His Highness the Gaekwar, but whether this was done at once or after she had passed through other hands is uncertain.

5. Although it would thus appear that the marriage, if valid, is one entirely beneath the Gaekwar's public position, yet in the opinion of His Excellency there are not sufficient grounds for withholding the usual recognition of the Gaekwar's wife.

6. I am to add that His Excellency in Council will await the early orders of the Government of India on the papers now submitted.

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No. 2418, dated Ahmednuggur, 3rd October 1874.

From A. H. SPRY, Esq., District Magistrate of Ahmednuggur, to C. GONNE, Esq., Secretary to the Government of Bombay.

WITH reference to your letter No. 33P., dated 2nd instant, requesting immediate report in the matter of the enquiry into the complaint made by Pandoo bin Govindrao Khandwe, I have the honour to inform you that on the conclusion of the enquiry as far as it related to this district, the whole of the depositions taken and other papers connected with the case were forwarded on to Mr. Hope, District Magistrate of Surat, on 31st July last. The enquiry was held before myself, and I now append for information copy of a confidential letter which I then addressed the District Magistrate here on the subject.

2. I think it right to mention that I have been personally acquainted with this Pandoo for a long time. He is a man who wanders about the country with no ostensible means of living beyond that he occasionally furnishes information to the Police respecting offences which have been, or are supposed to have been, committed. This information he picks up in his wanderings. During the monsoon of last year he several times came to me with stories about seditious doings in this district. I caused private enquiries to be made, and from them, as well as from the contradictions Pandoo himself made in his several accounts, I came to the conclusion that there were no grounds for his allegations. From the experience I have had of him I should think that extreme caution should be exercised in accepting any statement made by him, unless the same were corroborated by unimpeachable evidence.

---

Dated Ahmednuggur, 31st July 1874.

From A. H. SPRY, Esq., First-class Magistrate, to H. B. BOSWELL, Esq., District Magistrate.

WITH reference to your confidential memorandum dated 6th instant, I have the honour herewith to forward the depositions taken by me in the case of Pandoo *wullud* Govindrao Khandwe. I also append for information the following lists:—

A.—Showing the witnesses mentioned in Mr. Hope's memorandum whose depositions have been taken.

B.—Showing the witnesses residing in this district, whose depositions I have been unable to take.

C.—Showing the witnesses mentioned by Pandoo to me, whom I have examined.

D.—Showing the witnesses whom I considered it necessary to examine independently of Pandoo.

2. I have not attempted to call any witnesses residing beyond the limits of this district, and with regard to those who were summoned here arrangements were made by Captain Daniell to prevent their being, as far as possible, tampered with.

3. As the enquiry before me is only a section of a more extensive one, it would be out of place for me to express any opinion on the merits of the case generally. It will, however, be seen that the greater majority of the witnesses profess to know nothing about Pandoo's second marriage, and if many of them are to be believed, it would appear that he has been trying to foist off his first wife's parents as those of the girl Luxmee Baee. It would also appear that he some time ago claimed a woman in his village, one Anandi, as his wife, and that the matter formed the subject of investigation at the Rahuri Thanna. I have had the records there examined, and I find this to be perfectly true, in that Pandoo charged this Anandi with theft, because seemingly he could not gain possession of her.

4. Mention too is also made of one Mohonajee Londya, a native of Kothar, but now living at Bombay, who is alleged to have visited these parts lately, to suborn evidence on behalf of the Gaekwar. Whether this Mohonajee has been doing so I cannot ascertain with any certainty, but I can only point out that the witness who speaks most strongly on the subject, one Kadu bin Vittu (No. 19, List A.), has so contradicted himself in his depositions as to be unworthy of belief. There is, however, one very remarkably suspicious circumstance which would lead one to believe that money has been brought from somewhere and spent lately in the Rahuri Talooka. I need scarcely tell you that the district is a purely agricultural one with little outside trade: and yet I have discovered that during the last May and June a very fair number of currency notes for rupees 50 and rupees 10 have been brought to the Rahuri Treasury to be cashed by people living at Deolah, Kolhar, and the villages imme-

diately adjacent. This is the more remarkable, as scarcely any notes have been brought from other parts of the talooka.

5. The first thing that Pandoo and his Guzerathee Agents told me on their arrival at Nuggur was, that the Gaekwar's emissaries had managed to obtain a copy of the list of witnesses which he (Pandoo) had given to Mr. Hope. Whether there was any possibility of this, Mr. Hope himself is best able to judge. But if the witnesses have been tampered with, it is yet to be explained how it comes to pass that most of the witnesses subsequently mentioned by Pandoo, and of those also called quite independently by me, should still have the same story. It could hardly be assumed that the whole country, almost to a man, had been suborned.

6. But whatever suspicions there may be of the Gaekwar's Agents having been perverting evidence, I am at the same time convinced that Pandoo and his agents are not above bringing forward false evidence too. No one reading the deposition of Wamon Gunesh, Puktaya, and Ramkrishna Mulhar (Nos. 13, 14, and 18 of list C.), could have any impression, I think, other than that they were bazar witnesses, such as are obtainable to swear to anything in any place.

7. With Pandoo himself, too, I had considerable trouble during the course of the investigation from his continually prompting and making signs to deponents, so much so that eventually I had to place a screen between him and them. He also was most urgent to be allowed along with his agent to accompany the persons serving the summons, to point the witnesses out as he affirmed, a proceeding obviously superfluous in places where they were resident. He likewise was most anxious for me to examine witnesses whom he picked up at haphazard in the City of Nuggur and produced, a course which I refused as I could never be sure of the identity of any one not summoned in the usual way. I gave him every reasonable opportunity of mentioning fresh witnesses whom I called up, but finding that he appeared to carry the matter on *ad infinitum*, and judging from the character of some of the witnesses cited by him, I deemed it expedient at a certain stage of the proceedings to tell him that I would receive no more witnesses' names after a stated date.

8. I mention all this, because I consider that the demeanour and actions of a man are in a great measure a criterion of his credibility.

9. I have now despatched Pandoo with a letter to the Deputy Commissioner of Akola, as requested by Mr. Hope in a demi-official to me direct.

10. I return the papers relative to the case which were originally sent me, and add a few which may prove of interest to Mr. Hope.

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No. 818, dated Surat, 12th October 1874.

From T. C. HOPE, Esq., District Magistrate, to C. GONNE, Esq., Secretary to the Government of Bombay.

I HAVE the honour to submit the report on the complaint of Pandoo bin Govind Rao called for in your No. 34P. of the 2nd instant.

2. Pandoo's complaint was against (1) Luxmee Bai for marrying again in his lifetime; (2) Ganga and Rukhmajee for enticing her away with a view to such marriage; and (3) Huribai Chiniwalla and Dayabhai Dyaram for enticing and abetting the above offences.

3. In support of his complaint Pandoo offered evidence of four distinct kinds, (1) that Luxmee had been with him and her foster parents, Ganga and Rukhmajee, at Surat, and openly known to be his wife; (2) that Luxmee was the daughter of one Gujao, wife of Rama Dos, and that he was married to her at Khurukwaree in the Ahmednugger Zilla; (3) that Luxmee was seen by certain of the Ahmednugger Missionaries soon after the marriage, and that he was refused Christian baptism because she was his second wife; (4) that about that time he was on his way to Benares when the Patel of a village near Akola in Berar tried to obtain possession of the girl, who was restored to him on his complaining to the Deputy Commissioner. He has never from the first varied in his story.

4. The evidence on the first head has been taken by myself; that on the second and third by Mr. Spry, 1st Assistant Collector, Ahmednugger; and that on the last by the authorities at Akola. The whole of the papers are forwarded this day in a separate registered packet.

5. The Surat witnesses on the whole corroborate Pandoo's statement that Luxmee lived there and was known as his wife.

6. Regarding the second point, the evidence given before Mr. Spry has broken down. The witnesses generally deny all knowledge of Pandoo's second marriage, and some assert that the one wife, Gama, who he really has, is herself the daughter of Gujao, the wife of Rama Dos, a parentage which Pandoo ascribes to Luxmee.

7. Upon the third point, the evidence is in Pandoo's favour, as two Christian Pastors and a Schoolmaster of the Ahmednugger Mission testify to Luxmee, and to her having been the cause of his being refused baptism.

8. The fourth point has not been established at Akola. The register shows that a complaint was made by Pandoo about his wife, but the records have been destroyed, so no particulars are forthcoming. Fresh evidence has therefore been taken, which is entirely against Pandoo, the villagers stating that the woman he complained about was not his wife, and that she was 35 to 40 years old.

9. The question now is, what credit is to be attached to the statements of the several classes of witnesses.

10. It must be borne in mind that Pandoo has brought his complaint under circumstances of unusual difficulty. The first pleaders in Surat to whom he told his story threw him over almost immediately afterwards, and it is very probable that the list of witnesses which he gave them was made over to the Gaekwar. The next pleaders, Kewalram and Jumietram conducted his case fairly and energetically for some time, but subsequently cooled down, and at last the latter, who was the chief mover, withdrew in a manner so suspicious as coupled with the information received by Colonel Phayre to leave little doubt that he had been bought off by the Gaekwar. Again there is no room for doubt that much trouble and money has been spent in Ahmednugger. Monaji Londya, after swearing before me that he knew nothing of Pandoo, went on to Baroda, and is afterwards stated to have been active in the case in the Deccan. Colonel Phayre has received regular information of the passing to and fro of other agents, and parties from the Nuggur villages have more than once been identified at Surat on their way to or from Baroda. The cashing of notes in the Rahuri Mamlutdar's Treasury, one of which has been traced to Baroda, is another circumstance. Finally, at Akola the Editor of the *Berar Sumachar* and perhaps other agents were clearly at work on the Gaekwar's behalf.

11. On the other hand, Pandoo himself is a man whose antecedents do not entitle him to much credit, and he is considered to have behaved in a suspicious way and to have brought at least two or three false witnesses before Mr. Spry. He has long followed the trade of an informer, and may be said to be likely enough to bring a false complaint in order to extort money from the Gaekwar. It is also notable that he has not appeared since he left Akola. Whether he has been bought off or deported (as witnesses in the Koth case were) time alone will show, but I have received an anonymous letter from Baroda, written from the Gaekwar' point of view, and exulting that "arrangements" had been made for his non-appearance.

12. In rejoinder, it is obvious that though Pandoo may be ever so bad a character, there is nothing improbable in his having a second wife; that he would have the utmost difficulty in proving a true story in the face of the money and influence of the Gaekwar; that a good deal of the evidence against him contains internal indications of falsity, or goes too far, as where his wife Gama says she does not know that he ever visited Guzerat; and that a Court of justice would probably attach great weight to the Christian evidence.

13. Considering the complaint of Pandoo simply as a criminal one, I beg to repeat the doubts which I have already expressed demi-officially, whether any enquiry can legally take place on it without a certificate from the Resident, and if it can, the enquiries at Ahmednugger and Akola, which have been taken up by the officers there as if *proprio motu*, would not be a part of it. The whole, however, would be indirectly useful with the view of deciding whether a warrant should be issued in the event of the complaint coming legally before me for trial. The presence of Pandoo would, however, be essential for this, and he is not forthcoming. The complaint laid must therefore, I presume, be simply recorded.

14. Considering the matter in a political point of view, I beg to report as required in your demi-official of 26th May, that I do not think the evidence in favour of Pandoo's allegations sufficient to warrant a demand for the extradition of Luxmee Baee, Gunga, and Rukhmajee. On the other hand, it cannot be affirmed with confidence that Luxmee Baee is *not* Pandoo's wife, especially as if she be not so, there is no evidence whatever to show who she really is.

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## No. 6269, dated Bombay Castle, 29th October 1874.

**From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.**

WITH reference to my letter of this date, No. 6260,* I am directed to forward for delivery, the accompanying khureeta to the address of His Excellency the Viceroy and Governor-General of India from His Highness Mulhar Rao Gaekwar, announcing the birth of a son to him on the 16th instant.

* P. 24

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### Khureeta, dated Baroda Palace, 17th October 1874.

**From His Highness MULHAR RAO MAHARAJA GAEKWAR SENA KHASKHEL SUMSHAIR BAHADOOR, to His Excellency The Right Honourable T. G. BARING, BARON NORTHBROOK, G.M.S.I., Viceroy and Governor-General of India.**

I FEEL great pleasure in informing Your Excellency of the birth, yesterday afternoon, of a son to me, and in forwarding the accompanying bag of sugar as a token of joy. Your Excellency's acceptance of it will gratify me.

I beg to express the high consideration and esteem I entertain for your Excellency, &c.

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Khureeta, dated Fort William, 12th December 1874.

From His Excellency the Right Honourable T. G. BARING, BARON NORTHBROOK, G.M.S.I., Viceroy and Governor-General of India, to His Highness MAHARAJA MULHAR RAO GAEKWAR SENA KHASKHEL SUMSHAIR BAHADOOR Baroda.

I HAVE the pleasure to acknowledge the receipt, through the Government of Bombay, of Your Highness' khureeta dated 17th October 1874, announcing the birth of a son to Your Highness. I beg to express the high consideration I entertain for Your Highness, &c.

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No. 2739P., dated Fort William, 12th December 1874.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

I AM directed by the Governor-General in Council to acknowledge the receipt of your letters noted on the margin regarding the circumstances attending the marriage of His Highness the Gaekwar with Luxmee Bai, and the birth of a son to His Highness.

* P. 24. † P. 27.

* Dated 29th October 1874, No. 6260.
† " " " " " 6269.

2. The Governor-General in Council desires that instructions may be issued to Colonel Sir Lewis Pelly to cause such honours to be paid as are usual on the occasion of the birth of a son to the Gaekwar. But His Highness should be informed by Sir Lewis Pelly that the British Government in so doing do not commit themselves to any opinion upon any question which under Hindoo Law, or the customs of the Gaekwar's race, may arise hereafter with regard to the rights of the infant.

3. A letter from the Viceroy in reply to His Highness' khureeta of the 17th October last is enclosed, and should be forwarded to Sir Lewis Pelly for delivery to the Gaekwar.

4. A copy of the Viceroy's letter is also enclosed for the information of His Excellency the Governor of Bombay in Council.

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No. 32, dated Bombay Castle, 5th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to your letter, No. 2739P., dated the 12th ultimo, and its accompaniments, connected with the birth of a son to His Highness Mulhar Rao Gaekwar, I am directed to forward to you, for submission to the Government of India, the enclosed copy of a letter from the Governor-General's Agent and Special Commissioner, Baroda, No. 450–1493,† of the 31st idem, together with copy of the letter* sent to Sir Lewis Pelly in reply.

† P. 19.

† * No. 31, dated 5th January 1875.

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No. 126P., dated Fort William, 14th January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay, Political Department.

IN reply to your letter No. 32, dated 5th instant, I am directed to state that the Right Honourable the Governor-General in Council approves of the views and proceedings of Colonel Sir Lewis Pelly as therein reported.

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No. 2411P., dated Fort William, 10th November 1874.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to CHARLES SANDERSON, Esq., Solicitor to Government.

I AM directed to forward in original (to be returned) the enclosed letter, No. 6260,* dated 29th October, from the Government of Bombay, and to request that the opinion of the Advocate-General may be obtained upon the question of Hindoo law referred to in paragraph 3, viz., whether a son born of a pregnant bride, and acknowledged by the husband to be his is considered a legitimate son.

* P. 24.

If necessary, the Advocate-General may associate with himself Junior Counsel learned in Hindoo law.

An early answer is requested.

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No. 2617P., dated Fort William, 30th November 1874.

From F. HENVEY, Esq., Officiating Under Secretary to the Government of India, Foreign Department, to CHARLES SANDERSON, Esq., Solicitor to Government.

I AM directed to invite attention to the letter from this Office dated 10th instant, No. 2411,P., and to request that you will move the Advocate-General to submit his opinion on the question of Hindoo law referred to him as early as possible.

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No. 2536, dated Fort William, 8th December 1874.

From CHARLES SANDERSON, Esq., Solicitor to Government, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to your letter No. 2411P of the 10th ultimo, I have the honour to forward you herewith a copy of the joint opinion of the Advocate-General and Mr. Montriou on the subject therein referred to.

2. The papers which accompanied your letter are herewith returned.

JOINT OPINION.

The only question here, as seems to us, is whether the Sabodaja (offspring with the bride) who is recognized and defined by both Manu and Yajuvalkya, as a son or putra, is forbidden in the present or Kali Yuga.

Parasara, who promulgates the changes and disabilities which have supervened, (*a*) makes no reference to the son with the bride. Moreover Nanda Pandita in his *Dattaka Mimansa* (the text book of adoption law) classes this son among the Mukhya (primary) set of substitute sons; he even apologizes for applying the term substitute to this son at all.

(*a*.) They are enumerated in detail at p. 100 of Pundit Eshwara Chandra Vidyasagara's pamphlet "Marriage of Hindoo widows."

The Kshetraja or son vicariously begotten, is no doubt forbidden; but it seems to us the Sabodaja remains, and, like to the paunarbhava (son by a second marriage), as shown by Pundit Eshwara Chandra, comes under the head of Aurasa.

We therefore answer the question put to us in the affirmative.

Nevertheless, we cannot shut our eyes to a probability of controversy; and we therefore strongly advise Pundits learned in the Sinriti authorities being consulted before any decisive step is taken.

(Signed) G. C. PAUL.

5th December 1874. (Signed) W. A. MONTRIOU.

# Correspondence between the Government of India and the Secretary of State.

## No. 42 of 1874.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

MY LORD MARQUIS, Fort William, the 30th June 1874.

WE have the honour to forward, for the information of Her Majesty's Government, a copy of papers* relating to certain circumstances connected with a recent marriage contracted by His Highness the Gàekwar of Baroda. The nature of this affair, and the course of proceedings arising out of it, are fully described and recapitulated in the letter marginally noted from the Resident at Baroda to the address of the Government of Bombay. For the view taken of the case by the Government of India we would refer Your Lordship to our letter to the Bombay Government, No. 1225P*., dated 6th instant.

* P. 21 to 24.

* No. 134–494, dated 9th May 1874.† † P. 9.

* P. 23.

We have the honour to be, &c.

(Signed) NORTHBROOK.
" NAPIER OF MAGDALA.
" B. H. ELLIS.
" H. W. NORMAN.
" A. HOBHOUSE.
" E. C. BAYLEY.
" JOHN INGLIS.

## No. 72 of 1874.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

MY LORD MARQUIS, Fort William, the 18th December 1874.

IN continuation of our despatch No. 42, dated 30th June 1874, we have the honour to forward a copy of papers* relative to the circumstances attending the marriage of His Highness the Gaekwar of Baroda with Luxmeebai, and the birth of a son to His Highness.

p. 24, 27, 29.

We have the honour to be, &c.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
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For Her Majesty's Stationery Office.

EAST INDIA (BARODA, No. 3.)

# PAPERS

CONNECTED WITH

# THE DEATHS OF BHOW SCINDIA AND GOVIND NAIK.

Presented to both Houses of Parliament by Command of Her Majesty.

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# CORRESPONDENCE.

No. 63 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

To the Most Honourable the Marquis of SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS, Fort William, the 5th March 1875.

WE have the honour to forward copy of further papers relating to the state of affairs at Baroda.

We have the honour to be, &c.

(Signed) NORTHBROOK.
B. H. ELLIS.
H. W. NORMAN.
A. HOBHOUSE.
E. C. BAYLEY.
W. MUIR.

---

No. 15, dated Baroda Residency, 13th February 1875 (Confidential).

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honour to bring under the notice of His Excellency the Viceroy and Governor-General the following details respecting the case of Bhow Scindia, a former Minister, and favourite of His late Highness Khunderao Gaekwar, who met his death in the Baroda Jail in 1872 under highly suspicious circumstances.

2. The case was brought before the Government of India and the Home Government at the time, but no distinct conclusion could be arrived at owing to the paucity of evidence on the subject. The light now thrown on the matter by recent investigations may seem worthy of report, as showing that the grave doubts previously entertained by the British Government as to the truth of the story put forward by the Durbar were not without good foundation.

3. I should in the first place remind you of the circumstances of the death and the proceedings attending them.

4. At 11 o'clock on the 1st May 1872, Captain Hancock, Assistant Resident, who was temporarily in charge of the Residency, received an anonymous letter, to the effect that Bhow Scindia had been poisoned in jail. Bappoo Bhai, a Minister of His Highness Mulhar Rao, paid an official call on Captain Hancock at 12 o'clock, and had his attention drawn to this letter, but nothing was done to test its truth.

5. Bhow Scindia died at 2 p.m. that day, and at 6 o'clock Captain Hancock was made acquainted with the fact. He immediately pressed on the Durbar the necessity of holding a proper inquiry into the matter, and requested an interview on the subject with His Highness Mulhar Rao. He moreover suggested that the body of the deceased should be preserved pending an application to the Government of Bombay.

6. None of Captain Hancock's suggestions were attended to; the body was burnt the same evening, and the Durbar afterwards, in defence of their conduct, stated that the prisoner died before they heard of the anonymous letter. They considered the suggestion of Captain Hancock to hold an inquest as unsupported by precedent, and deprecated the interference of the British Government in the matter.

7. The Bombay Government made great efforts to arrive at the truth of the story, but the position of affairs at Baroda at that time was not conducive to any such elucidation. The Durbar put forward their story in the form of an inquest report which was signed by three Native Doctors and supported by the depositions of several of the deceased's fellow prisoners, the purport of which was to prove that Bhow Scindia died of Dengue fever accompanied by vomiting and purging.

8. The Government of Bombay called for a report of the form of Dengue fever in the city of Baroda, but owing to the death of the Residency Surgeon at that time they could only obtain information concerning its appearance in Baroda Camp from Dr. Ross of the 4th Rifles, Native Infantry. This report showed that out of 404

cases which occurred subsequent to the time of Bhow Scindia's death not one casualty occurred, but that "purging and vomiting" did occur in some cases consequent on "irritability of the stomach."

9. Nothing could be done on this scanty evidence and the matter rested for a while; at this stage the Governments of Bombay and of India animadverted on the failure of the Durbar to take the proper steps to clear up the suspicion attaching to the death of the Premier, and the Secretary of State for India regretted that the post mortem examination was not made.

10. I now proceed to the second chapter of the story, viz., the facts elicited by investigations made since the arrest of His Highness Mulhar Rao.

11. I have already alluded in the course of recent correspondence to the "Inquiry "and Detective Committee" formed by me to take up the threads of unconnected stories of oppression practised by the late *régime*, and endeavour to weave them into some comprehensive and intelligible form. One of the first cases which attracted their attention was that of Bhow Scindia, and the story elicited from the fourteen witnesses who appeared before them, and whose evidence is attached to this letter for His Excellency's information, is briefly this.

12. The circumstances connected with the death of Bhow Scindia extended over the 29th and 30th April and 1st May 1872. At about 4 p.m. on the 29th two fellow-prisoners, who were accustomed to live in the same room with him and act as his servants, were removed to other cells by order of Boojungrao, the Under-Governor of the Jail.

Witnesses Nos. 10 and 12.

13. In the evening of the same day four men were seen to enter the prisoner's room, taking with them a cup or glass containing some liquid; their names were, 1, Gunputrao Balwant; 2, Boojungrao, Under-Governor of the Jail; 3, Dadu, a Duffadar of the Jail; and 4, Jumal, a turnkey.

14. At about 8 p.m. Bhow Scindia was heard calling out "what is this violenc "(*zulum*), I am not ill, I want no medicine," or words to that effect, and voices of Boojungrao and Jumul were heard replying that they were only obeying the Maharaja's orders, or words to that effect.

15. The next day (the 30th April) Bhow Scindia purged and vomited violently, and told Gunputrao,* a prisoner who was sent to clear up his room, that he had been handcuffed and held down and forcibly poisoned by the four men who entered his cell the night before, and he begged that the circumstances might be made known.

* No. 10.

16. All this day was passed by the prisoner in a miserable state of pain and exhaustion, and the Duffadar, named Dadu, sat outside his room to keep a sharp watch ahead.

17. The next day (the 1st May) Hurreechund,† another prisoner, who went to clean his room, was told the same story by Bhow Scindia, who was still purging and vomiting. On this day Boojungrao ordered some canjee to be made for the sufferer under his immediate supervision, after partaking of which (much against his will) the unfortunate prisoner felt more violently ill than before, and a dog which ate either some of the canjee or the matter vomited by the prisoner, died immediately.

† No. 12.

18. Bhow Scindia died that day at 2 o'clock. His body was discoloured, and his knees and elbows were much scarified as if from struggling violently. The cremation took place in the evening, and an unusual amount of combustible materials was used to effect a speedy consumption of the body. On the following day the three doctors, who signed the report which was put forward by the Durbar in their defence in 1872, were shown a paper written by Boojungrao, purporting to show that the deceased died of Dengue fever, and they were made (under protest) to sign the paper. The prisoners also who attended the deceased during his last moments were forced by threats of similar treatment to sign false depositions in support of the medical report.

19. Since this was written one of the doctors, named Gunesh Shastree, has died, but the other two‡ give evidence of the utterly superficial inspection of the dead body of Bhow Sindia which was granted them, and the illegal manner in which their signatures were obtained to the false report of his death and its cause. A son of the deceased doctor, named Balvarao Gunesh,§ deposes that his father supplied arsenic to Boojungrao, the Under-Governor of the Jail, for the purpose of poisoning Bhow Scindia.

‡ Nos. 13 and 14.

§ No. 1.

20. This witness' evidence makes the three doctors accessories before the fact, but it is unnecessary to clear up this point now. At the trial when the evidence is thoroughly sifted the guilt will probably be found to be attachable to more than the four prisoners whom I have now had arrested, viz., 1, Gunputrao Bulwunt; 2, Boojungrao; 3, Dadu; and 4, Jumal. For the present I consider that the evidence of the fourteen witnesses proves a strong *primâ facie* case against these four men, and I therefore intend to hand them over to the proper Court in Baroda to be tried on a charge of having been instrumental in the poisoning of Bhow Scindia in prison.

21. Damodhur Punt in his recent confession, in the case of attempt to poison Colonel Phayre, stated as follows:—

"I know that Bhow Scindia, Govind Rao Naik, and Raojee Master, and others were killed by the Maharaja's order, but I was not personally concerned in these matters which were conducted through the Foujdaree Department's Officers during the *régime* of Bulwunt Rao Rahorekur," at which time I was not allowed access to the Maharaja.

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P.S.—Inquiry into this case was forced on the Committee owing to a supposition entertained that the agents in the murder of Bhow Scindia were identical with those used in the case of the attempt to poison Colonel Phayre.

The case will now be referred to the Magistrate in the ordinary way.

(Signed) LEWIS PELLY.

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Summary of proceedings in Bhow Scindia's case.

Evidence for prosecution.

Read and recorded the deposition of the following witnesses:—

1. Baboorao Gunesh Shastree.
2. Dhondooba Buloo.
3. Shibrutun Bhinda.
4. Krisnarao Bhimashunker.
5. Hoossein Khan Purdhun Khan.
6. Buchoolal Heeralal.
7. Eshwantrao Vittoba.
8. Bhaichund Jeewan.
9. Harrichund Khemchund.
10. Gunputrao Krisnajee.
11. Trimbuk Gunesh.
12. Harriba Gopal.
13. Adurjee Jamsetjee.
14. Narayranrao Vinayak.

Baboorao Gunesh, son of Prison Doctor.

Witness No. 1 states—That about two years ago, and about two or three days before the death of Bhow Scindia, the officer in charge of the Jail ordered some powder to be obtained from his father for the purpose of poisoning Bhow Scindia. His father was at the time a Jail Doctor, and used to administer medicines to prisoners requiring medical assistance. Some arsenic from a cupboard in his house having been extracted, his father pounded it on a stone and took it with him to the Jail in company with one Luxumon. A few days after the death of Bhow Scindia he (deponent) told what had occurred to a friend of his named Kesheorao Phunsey. About two or three days before the arsenic was conveyed to the Jail by his father, Adurjee Parsee, a Doctor, Narrayanrao, a Surgeon, and his father had a meeting in his father's house in which the question of poisoning Bhow Scindia was discussed. While this was going on he (deponent) was sitting outside the room and heard what passed. These men said that their (Yejman) patron had desired them to administer poison, he (the deponent) understood that the affair was managed at the direction of Mulhar Rao Gaekwar. When Luxumon came to ask his father for the powder, he, the deponent, was sitting about four or five yards off on a box. He got hold of Luxumon, and on asking him as to why the powder was required by him, he, the deponent, was told that the same was wanted for a medical purpose. At this time Babajee Mahagaonkur and Boojungrao were in charge of the Jail, who were friends of his father. His father was a most trusted physician as far as Mulhar Rao Maharaja was concerned, who used to take medicine from no one else, the reason being that he was held a trustworthy and confidential man. His father died about a year and a half ago, and Luxumon about a year ago.

Dhoondoba Baloo, a lance Naique of Regular Regiment of His Highness Gaekwar.

Witness No. 2 states—That about three years ago Bhow Scindia was one day confined in a room in the Jail when he was employed at the Jail Gate. At about 3 p.m. Gunputrao Bulwant, who is now the City Fouzdar, accompanied by a Carcoon, called at the Jail. These men, in company with Boojungrao and Babaje Gunnesh, retiring aside had some talk amongst themselves, and under their instructions one Hurriba, a prisoner in Jail, who was deputed for some time to look after Bhow's convenience and used to remain in the same room with Bhow Scindia, was removed from the room, and kept apart in a separate room, Bhow Scindia being kept alone in custody under lock and key. In the evening, that is about the time of lighting lamps, Gunputrao Bulwant, Boojungrao, Dadu Meeya, Dufadur, and Jumal, the Jailor, entered Bhow Scindia's room. When entering the room these men took with them a glass containing some liquid substance, the colour of which was white. This was administered to Bhow Scindia by Gunputrao and Boojungrao, who alleged that His Highness had desired them to do so. Bhow Scindia protested against taking the glass, saying that he was not ill, and required no medicine, but being told that he was bound to obey

and act up to the orders of His Highness, which he did not without a struggle, Bhow Scindia persisted in his refusal to take any medicine, and upon that he was forcibly seized, his mouth opened by a stick being placed in his jaws, and medicine poured in his mouth much against his will. After this was done he was handcuffed for the whole night, Dadu Dufadar being placed on watch duty. While this was going on I was standing outside the room and saw things clearly.

Shiv Ram Bhinda, Private in a Regular Regiment.

Witness No. 3 states—That he is a Private employed in the Gaekwaree Regiment. He testifies to having witnessed Appa Saheb, Boojungrao, Jumal, the turnkey, and Dufadar Dadu enter the room in which Bhow Scindia was confined, and that three days after this Bhow Scindia died, but he is not aware of what these men did while in the room.

Krishnarao Bheem Shunkur, prisoner.

Witness No. 4 states—That about two or three years ago, when Bhow Scindia was a prisoner in Jail, he was confined in a room adjoining to Bhow Scindia's. At about 4 o'clock one day Bulwuntrao Eshwant called at the Jail, and at the direction of Boojungrao, the Jailor, one Harriba, who was a prisoner with him (Bhow) in the Jail, was removed from Bhow Scindia's room, in order to leave Bhow Scindia alone in his room. Appa Saheb and Boojungrao were in Jail till about 8 o'clock in the night that day, and at their direction people connected with the Jail Office were told to go to their houses earlier than usual. Appa Saheb and Boojungrao ordered Bhow Scindia to be handcuffed, his hands being placed behind the back. He (the deponent) heard some bustle in Bhow Scindia's room, but could not comprehend what it was about. Bhow Scindia was in perfect good health till evening that day. One Dufadar Dadu was made to sleep under a *nimb* tree standing close to Bhow Scindia's room. The next day there was a general talk among the sepoys that Bhow Scindia had been poisoned the previous night. The next day he (the deponent) observed Bhow Scindia very ill suffering from constant purging. Dufadur Dadu having been placed to watch him very closely, he (the deponent) could not inquire into the cause of Bhow's bad health. One Wakuskur had visited the Jail twice that day for consulting Baboo Saheb and Boojungrao, the officers in charge of the Jail. Bhow Scindia was fed with *rabdee**, which he did not well eat that day; but repeatedly complained of sore throat and pain, and said that he was not able to eat anything. This rabdee, Boojungrao had got prepared, and the portion which remained was carefully buried in the ground. Bhow Scindia died at 2 p.m. Wakuskur first visited the Jail after Bhow's death; next came in Adurjee and Narrayanrao, Doctors. These men went into Bhow Scindia's room and had his fetters removed. The Dufadar was never on any previous occasion made to sleep under a Nimb tree closely watching any other prisoner. Bhow† Scindia was handcuffed while in jail for the first time on that day. He, the deponent, being a prisoner, had for fear of ill-treatment to remain quiet, and what he has stated now was all that he could see from the lattice while sitting in his room which was opposite to that of Bhow Scindia's. After Bhow Scindia's body was disposed of, a certain Guzeratti called at the Jail who obtained the deponent's signature to a document which purported to show that Bhow Scindia had died of Dengue fever. This document (he) the deponent signed only under compulsion.

* Canjee.

† He was always fettered.—F.H.J.

‡ Hussen Khan of a Regular Regiment on guard.

Witness No. 5 states—That he was serving in the Jail as a Havildar.‡ About two years ago, one day at about 6 o'clock in the evening he saw with Baboo Saheb, the Kamdar at the Jail, 1, Dufadar Dudor; 2, Appa Saheb; 3, Jamal, the turnkey; and 4, Boojungrao. These four latter men entered Bhow Scindia's room in Jail. One Dhondee Naik went to the room to see what these men were doing inside; but he was not permitted to stand by, and told to go away. Jumal had caught hold of Bhow Scindia's hands. Bhow Scindia asked these men not to trouble him, and he was thereupon told to make no noise and to hold his tongue. On the day on which this took place, Hurreeba, who used to remain with Bhow in the same room, was removed by Boojungrao at about 4 o'clock to some other room, Bhow being left alone. Bhow Scindia was not suffering from any disease. On the third day after the above-named individuals had entered Bhow Scindia's room, he died, and until his death Dadu Dufadar was sitting in front of his room. It was customary before that when the sentinel on guard was relieved by a fresh sentinel, the latter should examine the locks of the rooms, but since the day on which the above-named individuals entered Bhow Scindia's room, Dufadar Dadu allowed neither the sentinel on guard nor the officer to go into Bhow Scindia's room.

Buchoolall Heralall, Private of Regular Regiment.

Witness No. 6 states—That he is employed in the regiment attached to the Jail. About 2½ years ago Bhow Scindia was confined. One day about that time when he was relieved of the duty inside the gate in the Jail, he proceeded§ to the sentinel on guard near the gate and saw Appa Saheb Boojungrao, Dufadar Dadu, and Jumal entering the room in which Bhow Scindia was confined. Next day, while standing on duty as guard, he observed Bhow Scindia coming out of his room constantly to answer the calls of nature. This he (Bhow) did beneath a Nimb tree standing by his room, where he fell quite insensible, and was taken into room by Rujub, who put him on his bed. On the third day, about 2 p.m., Bhow Scindia died. While he (the deponent) was passing along, he observed Bhow Scindia sitting in his room, who, on seeing the deponent struck his forehead with his hands, apparently to show that his existence in the world was at an end. Three or four days after the occurrence of this, when the deponent was on duty at the Jail, he was told by prisoner, Gunput Kishunjee, who was serving Bhow Scindia in the Jail, that Bhow Scindia used to say to him (Gunput) that he was being harassed and killed without any fault on his part, and, for mercy's sake, some one should go and tell his (Bhow's) wife that she should endeavour to submit complaints to the British Government, and seek redress at their hands. This was duly communicated by the deponent to Bhow Scindia's sister to meet his wishes expressed at a time when his life was in danger.

§ Presumedly to speak with him.—F.H.J.

Witness No. 7 states—That about two years and nine months ago Bhow Scindia had been confined in the Jail. The news of his death having been communicated to the deponent by Patel Triboowun, he (deponent) proceeded to the Jail accompanied by Rajoo Maunjee, who both entered the room in which Bhow's body was lying. The corpse was covered with a white cloth, which, on lifting up, the elbows and the knees were seen greatly scraped, and the colour of the body unusually dark. This led him to believe that he (Bhow) must have been poisoned ; and in order to satisfy himself as to the cause of Bhow Scindia's sudden death when he was in a sound state of health, Boojungrao was asked to state what was given to Bhow. Boojungrao, in evasive reply, said that he had died of Dengue fever, and that His Highness' order was that the body should be conveyed for cremation without loss of any time. On hearing this he, the deponent, with three others, prepared it for cremation. Two Carcoons of the Senaputee Department were ordered by Balwantrao Ruboorkur to make the necessary arrangement. Camphor, resin, and like other substances were used largely when burning the dead body.

Yeshwantrao Tittola, a sowar.

Witness No. 8 states—That he was employed in the Baroda Jail when Bhow Scindia was made a prisoner about four years ago. His duty at the Jail consisted of examining the fetters to see that they were all right. The day before Bhow Scindia's death, when he (the deponent) was going to examine Bhow's fetters as usual, he observed Dufadar Dadoo seated near his room, who prevented his approach, and desired that the fetters might be examined from outside the room. Bhow Scindia was then sleeping. His body was covered with a cloth, but not the feet, which he examined at the distance of five kuddums, and went away. The deponent was never on any previous occasion told to examine fetters of any other prisoner in this way. The next day on the deponent being sent for by Boojungrao at 4 p.m. he went to the jail and removed the fetters put on Bhow's feet after he was dead. He observed the colour of the body changed, and different from other dead bodies.

Baichund, a blacksmith.

Witness No. 9 states—That he is a prisoner in Jail. About four years ago he was employed to serve Bhow Scindia while in Jail. He (deponent) cleaned his urine pot, and cow-dunged his room. In order to do these things he has had to visit his room. The day previous to Bhow Scindia's death he had gone in the morning to Bhow Scindia, who then said that he was ill. In the evening also when he went into his room he was found sleepy, and made no inquiries, but returned quietly. The next day when he went again in the morning he found Bhow Scindia very ill, suffering from purging and vomiting. Bhow Scindia told the deponent that poison was administered to him by Boojungrao, Appa Saheb, the Dufadar, and Jamal, and that his life was at an end. He asked the deponent to inform Bulwantrao Keshew of this which was done to him. Bhow Scindia had fetters on his feet. The deponent visited Bhow Scindia on the day of his death to remove his vomit and purging and otherwise cleaning his room. Boojungrao having ordered prisoner Gunputrao to pound Moormoora* and prepare some rabree, when he had prepared it, it was given to Bhow Scindia to eat, which he refused to do. Boojungrao pressed him to take it, saying that it would do him good. Bhow Scindia took it accordingly, and commenced to vomit and purge more and more. The portion of this rabree which remained in the plate was eaten by a dog, which died the same day on which Bhow Scindia died. After Bhow's death, his corpse was seen by Boojungrao, who said that good work had been done. Bhow's elbows and knees were greatly scratched.

Hurreechund, a prisoner.

* Fried grain.

Witness No. 10 states—That he and Hureebro used to attend upon Bhow Scindia while he was in Jail, and he used to sleep in the same room with Bhow Scindia. One day at about 5 o'clock p.m., Appa Saheb called at the Jail, and entered Bhow Scindia's room in company with Jamal, Dufadar, Dadu, and Boojungrao, turning the deponent and Hureebro out of Bhow Scindia's room. In the hands of Jumal was a cup containing some liquid substance. At about 7 o'clock on the night of that day he heard Bhow Scindia's voice crying aloud that he had done no fault, &c. Next day Boojungrao told him (deponent) that as Bhow was suffering from purging and vomiting he should attend upon him. The deponent accordingly went to Bhow Scindia, when Bhow told him that Dufadar Jumal had caught hold of his hands and handcuffed him, and that Appa Saheb and Boojungrao had prevailed upon him much against his will to take poison. Bhow Scindia further said to him that he was done for, and should anybody inquire into the circumstances of his death to tell, for the sake of Heaven, everything that had happened. Next day, after Bhow Scindia's death, the deponent brought this matter to the notice of Bachoo Sing, sepoy, and some other persons. The day on which Bhow Scindia died, Boojungrao had ordered kanjee to be prepared for Bhow Scindia. In this kanjee was mixed some stuff which Boojungrao brought with him tied in a piece of paper. The deponent is not aware what the stuff was ; but Boojungrao mixed it up before forcing Bhow Scindia to eat it. The earthen pot in which Bhow Scindia had vomited was placed outside the room, and the dog which happened quite accidentally to put his mouth in the pot and eat the contents of it died after the lapse of an hour or so. The same day Bhow Scindia died at about 2 o'clock. In order to examine him after he was dead, Doctors Adurjee and Narrayanrao called at the Jail. Next day, Appa Saheb and Chuggunlal came, who advised the deponent to say that Bhow Scindia had died of Dengue fever, the medicines prescribed by Native doctors having proved inefficacious. The deponent can say with positive certainty that Bhow Scindia was not suffering from any kind of disease prior to this.

Gunputrao, a prisoner.

This differs from other accounts which show that the dog ate some of the remainder of the kanjee.

(Sd.) F.H.J.

Witness No. 11 states—That he was employed as a Carkoon under the Senaputtee in Sawut 1928, in which year one day he had accompanied His Highness to riding excursion, and on returning in the

Trimbuk, a Senaputtee's Carkoon.

evening Huriba Dada told him that Bhow Scindia had died in the Jail, and that he should arrange for his body being disposed of. He accordingly went to Kumath* with Nanajee Eshwunt, where the carcass was burnt in his presence, certain combustible articles being used for the speedy despatch of the business.

*. Funeral place.

Witness No. 12 states—That at the time of the death of Bhow Scindia he (deponent) was a prisoner in Jail. He was appointed to act as Bhow's servant, and as such lived with Bhow in the Jail in the same room with him. Bhow Scindia used to receive *mussala* from his sister's house. About 15 days before Bhow Scindia's death Boojungrao, the under Jailor, brought the *mussala* with his *own* hand; whereas the same was usually brought by the sepoys on guard, and this circumstance naturally roused his suspicion, which was strengthened from Boojungrao having been seen by the deponent to manipulate the *mussala*. In consequence of deponent's suspicion he did not give the *mussala* to Bhow Scindia, but threw half of it on the roof of the house and half in the gutter. Bhow Scindia was an opium eater, and for his use the deponent used to make opium pills as much as would suffice for two or three months and leave them in charge of the guard. Out of these pills he (deponent) used to get every day two pills and give them to Bhow. Three days after the *mussala* was thrown away by the deponent he noticed that the opium pills given to the prisoner were different from those made by him, being somewhat soft, and told Bhow Scindia of this, who in throwing them away resolved not to eat them any more. On the third day Boojungrao came and asked Bhow Scindia how his health was, who replied that it was all right. Five days afterwards Boojungrao removed the deponent from Bhow's room. About 8 o'clock p.m. that day he heard Bhow Scindia crying out in a loud voice "What's this violence, &c." The deponent heard Jamal Sepoy say, "what can we do, it's the Sircar's order." In the morning next day Bhow Scindia washing his hands and face, and made signs to the deponent by placing his hands to the mouth, which led the deponent to understand that he was poisoned. Some time afterwards he heard that Bhow Scindia had died. About an hour before his death a puppy dog, which happened to come into the Jail, having eaten some of the rabree prepared for Bhow Scindia's use, was seized with sudden illness and died immediately afterwards.

Hurreeba, a prisoner.

Witness No. 13 states—That he is by occupation a Surgeon, and on the day Bhow Scindia died in prison in 1872, he having been sent for, called at the Jail in company with Narrayan Gunesh Shastree, a native doctor in the town. Boojungrao, the under Jailor, took them both to the room where the body of Bhow Scindia lay, and, placing them outside the room, asked them to view it while the body lay stretched on the floor inside the room covered with a cloth. These two men inspected the body from a distance of five or six yards. The next day about 9 o'clock in the morning, Boojungrao called at the deponent's house with a written report in his hand, and asked the deponent to sign it, who refused to do unless the contents thereof were made known to him. Upon this he (deponent) was told that the report referred briefly to the circumstance under which Bhow Scindia had died. The deponent took objection to sign the report as he had never attended Bhow Scindia when alive. He was thereupon taken to the Fouzdar, who said that if the deponent did not sign it he would lose his honour (rizzub). The deponent thereupon signed the report from out of fear. He was not acquainted with the contents of it.

Arderjee, a Surgeon.

Witness No. 14 states—That on the day of Bhow Scindia's death he called at the Jail in the afternoon. Dr. Adurjee was with him. Boojungrao told them both to view the body of Bhow Scindia, deceased. They were placed outside the room. The body had no appearance of any disease. This the deponent only stated from the superficial examination which he made. The deponent having been asked to sign a document purporting to be an account of Bhow Scindia's death, on pain of displeasure of His Highness if he declined to do so, he (the deponent) signed the document under protest. The deponent is not aware of the wording of the document up to the present day.

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## Telegram, No. 733P., dated 25th February 1875.

From FOREIGN SECRETARY, CALCUTTA, to Sir LEWIS PELLY, Baroda.

YOUR letter, No. 15, dated 13th July. Case of Bhow Scindia. As case involves indirect charge against Gaekwar, who is being directly charged before another tribunal, it would be better to drop the case unless it has been already commenced in Criminal Court, and misunderstanding would result from non-prosecution of it. If you decide to go on with it, act under legal advice.

No. 93–563, dated Baroda, 25th February 1875.

From Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner, administering the Baroda State, to C. U. Aitchison, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I have the honour to enclose a copy of the summary of evidence and report in the case of Govind Naik, drawn up by Captain Segrave and Captain Jackson as Members of the Inquiry Committee.

The investigation of this case was entered into by the Inquiry Committee mainly because of the supposition or conjecture that a regular system had existed in Baroda for the removal of obnoxious persons by poison, and that the same set of agents had been employed in different cases for carrying this system out. It was thus believed that by means of an investigation into this case of Govind Naik facts might be elucidated which would have an important bearing upon the question of the attempt to poison Colonel Phayre.

It does not appear that in this respect the anticipations of the Inquiry Committee have been fully verified, or that by this means any further direct evidence in the poisoning case has been obtained.

From the evidence, however, which has been adduced, it appears that His Highness Mulhar Rao Gaekwar directly gave, or caused to be given, the orders by virtue of which the system of torture was put in force under which Govind Naik finally succumbed.

It appears from the evidence of Bulwuntrao Eshwunt, corroborated to some extent by that of Bulwuntrao Ravelkur, that the latter of those gave to the former, at the Maharaja's request and in his presence, an order to put upon Govind Naik the heaviest fetters he could find; and that subsequently the Maharaja expressed to Bulwuntrao Eshwunt his dissatisfaction at the insufficient weight of the fetters used, and ordered others to be specially made for the purpose of the weight of 1¼ maunds. As to the food administered to the prisoner, Bulwuntrao Ravelkur states that the Maharaja ordered Tatya Mahadeo in his presence to see to the prisoner's food and drink, and from the evidence of witnesses Nos. 5, 10, 11, 16, and 17 it is proved that Tatya Mahadeo either with his own hands or under his direct supervision caused the chillies and salt water to be forcibly administered to Govind Naik.

Under the above circumstances, I do not propose to take at present any further steps in the matter by instituting a prosecution of the persons employed in ill-treating Govindrao or otherwise; but I think that it is desirable for me to lay before the Government of India a brief outline of the facts in this case.

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List of witnesses in the case of Govind Naik.

Class I. Men in Authority.

| | | | |
|---|---|---|---|
| Bulwuntrao Eshwunt | No. 15. | Tatya Mahadeo (Toupey) | No. 7. |
| Ditto Ravelkur | „ 16. | Chugunlal Damodur | „ 11. |
| Wamonrao Hurree | „ 6. | Datatray Ramchunder | „ 13. |

Class II.—Men of the 1st guard who remained up to the time the prisoner released himself from his fetters.

| | | | |
|---|---|---|---|
| Maiputtee Kanoba (Naik) | No. 5. | Gurbar Wucta (Private) | No. 11. |
| Kooshal Babajee (Subadar) | „ 8. | Becharkara (Lance Naik) | „ 17. |

Class III.—Men of the 2nd guard who came on duty two days before the prisoner's death.

| | | | |
|---|---|---|---|
| Bloa Sing Jemadar) | No. 3. | Gungadeen Rugonath (Private) | No. 10. |
| Bhao Khundoo (Havildar) | „ 4. | Sheik Boorun (Private) | „ 14 |
| Ram Surroop (Private) | „ 9. | | |

Class IV.—Miscellaneous.

| | |
|---|---|
| Koosajee Oomerjee, deceased's brother (complainant) | No. 1. |
| Narayen Venayek (Doctor) | „ 2. |

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Summary of evidence in the case of Govind Naik.

In the early part of 1872 (about March) His Highness Mulhar Rao summoned Bulwuntrao Eshwunt, chief Fouzdar of Baroda, and ordered him either direct or through his Naib Dewan, Bulwuntrao Ravelkur, to imprison Govind Naik, an old servant of his in charge of the Silleykhana. No reason for the arrest was assigned, but it was generally understood by all who were afterwards connected with Govind's case that he had committed some offence of a private nature against His Highness, probably in connection with the zenana over which he (Govind) had authority.

Witness No. 15.
No. 16.
Nos. 15, 1.

2. In obedience to His Highness' orders Bulwuntrao Eshwunt had Govind confined in the Futtehpoor Chabootra, and treated like an ordinary prisoner, that is to say, he was fettered with the ordinary irons, and received food on the following scale:—

Nos. 15, 8, 11, 5.

One and three quarter seers of bajree flour,
Quarter seer of dhall,
Half pice worth of ghee,
Half pice worth of vegetables,
} Being the ordinary fare of prisoners.

3. After a few days had passed His Highness summoned Bulwuntrao Eshwunt again, and ordered him to put on Govind fetters weighing 1¼ maunds or about 100 lbs.

No. 15.

4. In obedience to this order Bulwuntrao Eshwunt ordered irons of the description required to be specially made for the prisoner. They consisted of—

No. 15.

| | | |
|---|---|---|
| Leg irons, weighing about | - | 1 maund. |
| Handcuffs, „ | - | 22 to 25 seers. |
| Padlock of do. „ | - | 2 „ |
| Iron collar for the neck (called toke) | - | 12 „ |

Nos. 5, 6, 13.

5. These were put on to the prisoner by Wamonrao Hurree, Carkoon under, and representative of, Bulwuntrao Eshwunt, and Tatya Mahadeo (Toupey), a Carkoon of the 2nd Regular Regiment, on the part of His Highness Mulhar Rao. Tatya Toupey was introduced to His Highness by Bulwuntrao Ravelkur.

No. 8.

6. Simultaneously with the introduction of these fetters the prisoner's diet was changed to the following:—

Nos. 5, 8.
No. 5.

Quarter seer of bajree flour made into bread.
Chutney composed of { Quarter seer of chillies. „ garlic. „ salt.

A fourth part of the bread and a fourth part of the chutney for a meal, and at the same time the prisoner was given to drink quarter seer of salt in about one seer of water.

Nos. 5, 6, 8, 11, 4.

7. The changes in the food were made* by Tatya Mahadeo, acting on the part of His Highness, and Wamonrao by order of Bulwuntrao Eshwunt. From this time Tatya Mahadeo and Wamonrao Hurree superintended the prisoner's entire management,† reserving to themselves the right of locking and unlocking his cell door. Tatya was assisted by two sepoys of the 2nd Regiment in addition to the usual guard.

* Tatya says that he was sent by the Maharaja to extract a confession from the prisoner.
(Sd.) F.H.J.

† Nos. 5, 10, 11, 17.

8. The bajree bread and chutney continued for about 14 days, during which time the prisoner ate little‡ or nothing, and then Tatya and Wamonrao commenced§ to administer canjee composed of 1½ seers of rice, salt, and water boiled together, and as the prisoner refused to swallow this mixture, Tatya Toupey and his sepoys used force to make him do so.

‡ Nos. 6, 8, 17.
§ No. 5.

9. After some days of this treatment the prisoner's limbs shrunk so that he managed to withdraw them from the irons one morning and make an attack on his guard, from whom he demanded a drink of water.

Nos. 5, 6, 8.

10. In his weak state he was easily overcome and transferred to his cell again.

Nos. 5, 8.

11. His old guard was then relieved by a new one by order of Bulwuntrao Eshwunt, and the latter were told to keep a strict watch on their prisoner.

Nos. 3, 4.

12. At 5 o'clock in the afternoon of the day (Saturday) on which the new guard came, Tatya, Wamonrao, and a Carcoon of the Fouzdar's Cutcherry, named Narayen Wakusker, came to the Chabootra and inquired if the prisoner ate or drank anything. On being answered in the negative, they forcibly administered some salt and water, Wamonrao pouring it into the prisoner's mouth with his own hands.

Nos. 4, 2.
No. 4.

13. They returned the next day, morning (Sunday), and repeated this operation.

No. 4.

14. At 4 o'clock in the afternoon of the same day (Sunday) they returned again and prepared some canjee of flour, goor, salt and water, which Wamonrao poured into the prisoner's mouth while Tatya held his head.

Nos. 4, 14.

15. Before they left on this occasion, Wamonrao told the guard that if the prisoner asked for water that evening, they might give him fresh water to drink; and he also particularly warned them that if any thing unusual occurred that night, he should at once be told.

Nos. 3, 4.

16. That night the prisoner was heard by the guard muttering to himself in a delirious state till 10 p.m. After that time he was silent, and his guard being attracted by his unwonted silence looked into his cell, when they found that he was dead.

Nos. 3, 4.

17. A sepoy immediately called Wamonrao, who told Bulwuntrao Eshwunt, who went to the palace, to see His Highness on the subject. Three doctors, named Narayen Venayek, and Gunesh Shastree, and Adurjee, a Parsee Doctor, were there before him, to whom the Maharaja gave orders to examine Govind Naik's body, and report that he died of dengue fever.

Nos. 6, 15.

Nos. 2, 6, 15.

18. Bulwuntrao Eshwunt wrote a report of the prisoner's death in the presence of the doctors and, as he says, at their dictation. They deny this, but the point is of not much consequence. It is sufficient that the doctors above mentioned and Bulwuntrao Eshwunt and Wamonrao Hurree were present at the inquest, and that their report attributed the death of Govind Naik to fever and a disease called *Shanneepat.**

Nos. 2, 6, 15.

* A kind of fever.

19. The body was handed over to the brother of the deceased, and a sepoy was sent by Wamonrao to report that cremation was complete.

No. 4.

20. Besides that of the inquest, no record concerning Govind's imprisonment was made. The whole proceedings were irregular, because, as Bulwuntrao Eshwunt says in his evidence, the offence was a private affair of the Gaekwar's, and "when the Gaekwar's will is concerned the law is set aside."

No. 15.

21. On consideration of the evidence the Committee are of opinion that *primâ facie* case of having unlawfully caused the death of the prisoner Govind Naik is made out against the chief Fouzdar, Bulwuntrao Eshwunt, Bulwuntrao Ravelkur, Tatya Mahadeo, Wamonrao Hurree, but the Committee also considers that these men were acting under instructions received from His Highness Mulhar Rao Gaekwar.

(Sd.) F. H. Segrave, Capt.,
President, Inquiry Committee.

F. H. Jackson, Capt.,
Member of Inquiry Committee.

Baroda, the 19th February 1875.

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P.S.—An extract from the Fouzdaree accounts of the year Sumbut 1928 or A.D. 1872 is attached to show that the fetters alluded to were made specially for Govind Naik.—(Sd.) F. H. J.

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Extract from Fouzdaree Accounts of the year Sumbut 1928 or 1872 A.D.

Statement showing expenses incurred on account of Govindjee Naik from the time he was prisoned up to death in Jail.

Paid on account of iron purchased for making fetters, as per details given below:—

| | R. | A. | P. | R. | A. | P. |
|---|---|---|---|---|---|---|
| Iron bought through Chandbhai Borah, weighing 1¼ Indian maunds and 5¾ seers | 6 | 9 | 9 | | | |
| Iron purchased through Nujmoodin 29¼ seers | 3 | 7 | 6 | | | |
| " " " Petamber Lohar 12½ seers | 1 | 8 | 0 | | | |
| | | | | 11 | 9 | 3 |
| Expenses incurred for making fetters, handcuffs, by Petamber Hurgovun, and Moti Girdhur | | | | 8 | 8 | 6 |
| Padlocks purchased for fetters | | | | 0 | 8 | 0 |
| Expenses of food, as per following details:— | | | | | | |
| Wheat flour, 17 seers | 1 | 1 | 6 | | | |
| Rice, 13 seers | 0 | 10 | 6 | | | |
| Pulse, 7¾ seers | 0 | 8 | 6 | | | |
| Ghee, 2¼ seers | 1 | 1 | 0 | | | |
| Fire-wood | 1 | 5 | 0 | | | |
| Jagree | 0 | 4 | 0 | | | |
| Earthen pots | 0 | 2 | 0 | | | |
| Vegetables | 0 | 7 | 0 | | | |
| Spices | 0 | 7 | 9 | | | |
| Tobacco | 0 | 8 | 3 | | | |
| Daily butta, &c. | 1 | 15 | 6 | | | |
| | | | | 8 | 7 | 0 |
| Oil for peons on watch duty | | | | 0 | 1 | 9 |
| Expenses incurred for funeral obsequies | | | | 9 | 2 | 0 |
| Total | | | | 38 | 4 | 6 |

No. 1.

Koosajee Oomerjee Dulvee, Hindoo Maratha, age 45, resident of Rutnagery District; occupation, service, at present out of employ, states:—I was formerly a favourite servant of Mulhar Rao Maharaj, and was in charge of the "rasoee" (cooking) department. My brother, Govindjee called "Naik," was in charge of the dispensary In 1872, a short while before Bhow Scindia's death, Bulwuntrao Ravelkur, who was then Khangee Dewan or Private Secretary, got up a charge against my brother of having cast amorous * glances on Mahalseebai Ranee; that is to say, no written charge was ever made out against him, nor was his deposition taken, but he was suddenly sent before Bulwuntrao Eshwunt, who threw him into prison. For about the first two months he was in prison he was properly fed, and after that they began to give him equal parts of chillies, salt, and bajree flour mixed up with water for "canjee." I heard this from sepoys of the guard at the Jail, and particularly from Maiputtee Naik in the Jail, who was a friend of mine. I got him to convey food from me to my brother, by means of which my brother managed to live on in spite of the attempts to kill him. One day Bulwuntra Ravelkur said Govindjee has had canjee for (14) days, and yet he lives, "how is that?" He then ordered Tatya Mahadeo, his assistant, to see to Govindjee's food. After this Bulwuntrao Eshwunt, Tatya Mahadeo, and Narayenrao Wakusker used to go every day to the Jail to see my brother. They changed his fetters to heavier ones, and put extra fetters on his neck and wrists, and gave him the canjee again, by which he was reduced to great distress. One day when his limbs had shrunk from this ill-usage, his fetters fell from his wrists. A sepoy was watching near at hand, and his sword lay by his side; my brother snatched up the weapon, and said, "give me water," and threatened the sepoy. The latter said, if you will put by that sword, "I'll let you have a drink." Directly my brother threw down the sword, he was seized and loaded with irons again, and bound tightly with cords. On the second or third day after this, Bulwuntrao Eshwunt, Tatya Mahadeo, and Narayenrao Wakusker went to his cell and forcibly administered poison to him. He died next day. When I heard of it I was in arrest, but I was allowed to go to the Jail. I found my brother's corpse lying outside the Jail. It was attenuated and discoloured. I took it away and burnt it. I did not complain to any one at the time, as I knew it was no use. I was in arrest in my house all this time. I was released by means of my relations, who applied to Colonel Phayre, I was, however, not allowed to appear before the Commission, but was sent off to my own country. I returned about three or four months ago. I have never been up to the bungalow before. Before my brother died, intimation of his ill-treatment was sent to the Residency; nothing was done on it. Almost all the particulars I have related I heard from Maiputtee Naik. He is in Baroda still. I was arrested simultaneously with my brother.

* Kharab nazar.

Before me,

The 8th February 1875. (Signed) F. H. Jackson, Capt.

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No. 2.

Narayen Venayek, Brahmin, Doctor, age 64 years, residing in Baroda, states:—Govind Naik died in the Hindoo year 1928 (about April 1872). I was in the habit of visiting His Highness Mulhar Rao daily in the morning. On one occasion when I went there, I found Gunesh Shastree and Adurjee doctor, about half past 8 o'clock. The Maharaja said to me and Gunesh Shastree, Govind Naik is dead, and is lying at the Futtehpoor Chowkey, go and look at the body, and make out the usual certificate. I asked the Maharaja what I was to write on the certificate, and he said, examine the body and report that dengue fever was the cause of the death of the deceased. I said to the Maharaja, how can I report that he died of dengue fever when I never attended him. The Maharaja said "do as you are told," I am responsible. I went with Gunesh Shastree to the Futtehpoor Chowkey, and saw the body at a distance of two or three paces. The limbs were contorted, as if the deceased had died in great agony, and his face and body much attenuated. The Carkoon (Wamourao Hurree) at the Chowkey at once made out a certificate to the effect that the deceased had died of dengue fever, which we signed in the presence of Bulwuntrao Eshwunt and Nprayenrao Wakusker. There were several sepoys in the Chowkey at the time, but I only know one of them named Bola Sing. After I had seen Govind Naik's body, I was of opinion that he had not died a natural death. I signed the certificate, stating that he had died of dengue fever, because the Maharaja ordered me. I knew that I was wrong in doing so. It was about 10 a.m. when I signed the certificate. When Govind Naik was imprisoned I heard that the fault he was accused of was "intriguing in His Highness Mulhar "Rao's zenana." Every one who saw Govind Naik's body believed that he had been murdered, but no one mentioned the subject from fear of the Maharaja.

Before me

(Sd.) F. H. Segrave, Capt.

The 10th February 1875.

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P.S.—I read the above, and acknowledge that it is a true report of what I told before Captain Segrave.

(Sd.) Narayen Venaek.

The 10th February 1875.

No. 3.

Bola Sing Roopsing, Puggee, Jemadar in His Highness the Gaekwar's Police, residing in Baroda, states:—Govind Naik died about three years ago; he was confined in the Futtehpoor Chowkey, where I was doing duty as a Jemadar. A Havildar and four peons were with me. The name of the Havildar is Bhow Khundwa, two of the peons' names I cannot remember; the other two were Rama Soorook and Bhurun. Bulwuntrao Eshwunt told me to keep a strict watch over Govind Naik, as he had lately removed his fetters, and seized a sword belonging to one of the peons at the Chowkey. I was sent with a party of six peons to take charge of Govind Naik at about 12 o'clock noon one Saturday, the date I cannot remember. When I took charge of him he had very heavy chains attached to his neck, hands, and feet. The prisoner's diet was equal quantities of flour and salt. This was given him by order of Tatya Toupey, under instructions from His Highness, and on the day I took charge his food was prepared by a peon named "Gurbur." I was instructed to make a report every day to Bulwuntrao Eshwunt that the prisoner, Govind Naik, was well. On Sunday, the day after I received charge of Govind, I went to Bulwuntrao Eshwunt to report all well; he told me to return to my guard. While talking to Bulwuntrao Eshwunt the sepoy named Bhurun came up and reported that a Carkoon had come to the Chabootra; I returned there. I found Tatya Mahadeo (Toupey), Narayenrao Wakusker, and Wamonrao Hurree, Bulwuntrao's Carkoon. Wamonrao told me that I was to take great care of my prisoner, and if anything unusual happened, or he died at night, to let him know, and that I was to give the prisoner fresh water to drink instead of the usual salt water. Wamonrao told me to tell him, and not the others. My Havildar, Bhao Kundwa, reported to me that instead of giving the canjee twice as was usual, they had given it three times that day, and had also given the prisoner goor in the canjee. After that I went to my house to eat my dinner, and then returned to the Chabootra and set the sentries for the night, and went to sleep. Up to 10 o'clock the prisoner Govind was heard muttering to himself and calling on God to protect his child, &c. About 1 o'clock that night I was awoke by a sepoy, who said that prisoner was silent. I woke the Subadar Kooshal, and went to see the prisoner. He appeared to be dead. I went to tell Wamonrao. He accompanied me to Bulwuntrao Eshwunt's house. I remained below while Wamonrao went up to tell Bulwuntrao. When he came down again he accompanied me to my guard to see for himself. It was now 5 o'clock. In the morning Narayenrao and Gunesh Shastree, Doctors, came to the Chabootra, and Narayenrao Wakusker with them. The door of the prisoner's cell was opened to show the Doctors the corpse. They stood about five yards off to view it. After the Doctors left, the prisoner's brother, who had been summoned, came and took away the body. Narayenrao sent Havildar, Bhao Kundwa, to see that the body was burnt, and to report that it was done. Gurbur, the sepoy, used to give the prisoner the canjee while I was on guard. The prisoner could not resist, as he was so heavily fettered. The prisoner was in a tolerably good state of health when I went on guard. He did not look like a dying man.

Before me,
(Sd.) F. H. Jackson, Capt.

Baroda, 10th February 1875.

No. 4.

Bhao Khundwa, Hindoo, Maratta, age 25, resident of Baroda, occupation service in Baroda Police, states:—About three years ago, two days before Govind Naik died in confinement at the Futtehpoor Chautrey,* I, being a Havildar of Police, was summoned by Bulwuntrao Eshwunt and told to take charge of Govind, as he had been troublesome, and required a good watch over him. Jemadar Bola Sing and I were the officers, and four privates of the police named (1) Ram Surroop, (2) Burrun, and two whose names I don't remember, were the men of the guard. A man named Gurbur, a sepoy of the Jail, was also over the prisoner, and two men of the 2nd Regiment under Tatya Toupee, Carkoon. We went at 1 o'clock on Saturday before Govind died, and took charge from a Naik named Mahiputtee, who had been made a prisoner for some official act; orders were to give the prisoner salt and water to drink, and "rabree" or canjee composed of flour, goor, and other stuffs. The prisoner did not eat or drink anything to my knowledge while I was on guard over him. At 5 o'clock that afternoon (Saturday), Wamonrao Hurree, Tatya Toupey, and Narayenrao Wakusker, Carkoons, came to the Chautrey and asked if the prisoner ate or drank anything. We said no. They then fell into a rage, and said that we were of no use. They all three then began to make the prisoner drink salt water by force. The prisoner could not move on account of his heavy fetters. Wamonrao gave him the water out of a glass or cup. They then left, telling us to look sharp after our prisoner. The next day (Sunday) they came again. They all three gave Govind more salt and water, Wamonrao pouring it into his mouth with his own hands. They went away and came again at 4 p.m. They then got some goor, flour, salt, and water, and mixed them together, and having removed us from the scene gave it to the prisoner to drink. I say this from what I had seen them do before. I did not see this mixture administered with my own eyes. My Jemadar, Bola Sing, had gone to the Fouzdar's cutchery to give the daily report when they came, so I sent Burrun sepoy to call him. When he came I told him that the Carkoons had been angry with me. I don't know what they said to Bola Sing, but he told me, after they had gone, to give prisoner fresh water if he wanted it, and to take great care of him. Up to 10 o'clock p.m. we heard the prisoner saying, "Ram, Ram," &c., and muttering to himself. After that he was quiet. At 12 o'clock we went to see what was the matter, and found he was dead. Bola Sing went about 1 o'clock to tell Wamonrao. They both came about daylight to the Chautrey. Afterwards, about 8 o'clock, Narayenrao Wakusker, Tatya Toupey, Narayenrao Doctor, and some

* Chabootra, where there was a Police chowkey.

other men came and held a punchayut on the body. The deceased's brother was called to take away the corpse. I was ordered by Wamonrao to accompany the brother, and see what he did and hear what he said, and report to him. I reported to him that the body had been burnt about 3 p.m. that day, viz., Monday. I believe that Govind died from the ill-usage he received while in confinement.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Baroda, the 11th February 1875. Inquiry and Detection Committee.

Bhao Kundwa re-examined to day. I recognize the handcuffs and leg irons produced before the Committee as those which Govind Naik wore when I took charge of him.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Baroda, the 12th February 1875. Inquiry and Detection Committee.

No. 5.

Maiputtee Kanoba, Hindoo, Maratha, age 25, resident of Baroda, occupation Private in the Baroda Police, No. 314, states :—I remember when Govindjee Naik died in Baroda Jail in 1872, I was then a Naik in the Police and was appointed with four men to the charge of Govindjee in the Futtehpoor Chabootra. I was placed in charge by Bulwuntrao Fouzdar. For about a month and a half I was ordered to give him good places, food. After that period I was ordered to make bread of quarter seer bajree flour and quarter seer of salt, and also to make chutney of quarter seer chillies and quarter seer garlic and to divide the bread into four parts and place on each part a quarter of the chutney and give it to the prisoner to eat every day. Besides this I had to put quarter seer salt into a seer of water for him to drink. This order I received from Bulwuntrao Eshwunt and Gunpatrao Bulwunt, who both used to visit the Chabootra. After five days, to enforce this arrangement, two of the regular sepoys and a Police Naik were appointed over me to carry out the orders to the letter. This was in consequence of a suspicion that I was not carrying them out properly. Tatya Mahadeo, a Carkoon of the 2nd Regiment and a favourite of His Highness Mulhar Rao, used to come to enforce the instructions above referred to. Govindjee would neither eat the food nor drink the water thus prepared for him. Tatya used to open the door of his cell, and ordered no one to open it without his presence. In this way Govindee lived on for (14) days. After this period Tatya Mahadeo and Wamonrao, a Carkoon in the Fouzdar's Department, came to the Chabootra and examined the prisoner and ordered canjee to be given him instead of the bread and chutney. The canjee was composed of 1½ seers rice and water and salt boiled together. As Govindjee would not drink this mixture Tayta and three or four sepoys* used to hold him closer by force and pour it into his mouth. He used to spit out about half of it and would perhaps swallow about half. Govindjee was so heavily fettered† that he could not make much resistance. Tatya used to sit at the door and give directions, while the sepoys administered the canjee. This went on for four days. On the morning of the fifth day when I and the guard opened the door I found the prisoner's fetters off. He picked up the iron bar of his handcuffs and rushed out threatening us. All the sepoys fled in astonishment at his appearance, knowing that he had been heavily fettered. The sword of Hurreeba Jemadar was lying in the Chabootra, the prisoner snatched it up and said to all the sepoys "give me water." He presently got dizzy and staggered through weakness, and the sepoys easily seized him. There were present one Subadar (Kooshal Sing), one Havildar named Dulput, two sepoys, and myself. After seizing him we gave him two glasses of water and took him back to his cell. Gunputrao Bulwunt came up and abused me, and ordered me and Beehar Naik of the Regulars and four sepoys to be made prisoners. We were sent to the Fouzdary Cutcherry and kept there for three days. This was an account of the prisoner under our charge getting rid of his fetters. On the day I was released from arrest I heard that Govindjee Naik was dead. I never saw him after the event above described. The cruelty I saw practised to Govindjee by order of Bulwuntrao Eshwunt, Gunputrao Bulwunt, Tatya Mahadeo, and Wamonrao, the Fouzdaree Carkoon, was, in my opinion, enough to kill him, and I consider that they intended to kill him by practising it.

* Of the 2d Regiment.

† Fetters about 1¾ maund in wieght.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Baroda, the 10th February 1875. Member of Inquiry and Detection Committee.

Maiputrao re-examined.—The handcuffs and leg irons produced before the Committee are those put on Govind Naik eight days before I was relieved by Bola Sing and Bhao Khundoo. The handcuffs weigh, I believe, 22 seers, and the fetters 1¼ maunds. There was also a collar for the neck weighing 12 seers. The padlock of the handcuffs weighed about four pounds.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Baroda, the 12th February 1875. Inquiry and Detection Committee.

No. 6.

Wamonrao Hurree, Hindoo, Brahmin, age 50, resident of Baroda, in Rao Poora, occupation, clerk in the Fouzdar's Department, states:—When Govind Naik was thrown into prison about three years ago, Bulwuntrao Eshwunt Fouzdar, under whom I served, called me and told me to see to his fetters and his food.* According to orders I put irons on his legs, and served out his food every day; for about five days he got wheat flour and almost anything he liked to eat. After that Bulwuntrao told me to give him kichree, viz., rice and dâll. This was continued for three days. All this time the prisoner was in charge of the police. At this period Tatya Toupey, Carkoon of 2nd Regiment, began to come to the jail by order of the Maharaj, and one day changed the police guard for one of his own regiment. After this one day he put in the police again. The next day Bulwuntrao Eshwunt told me to give Govind only bajree bread and chillies and salt in equal quantities to eat. I gave him this one day, and he would not eat it. I used to go to see the prisoner every morning, and Tayta Toupey used to go at 12 o'clock and in the evening. The sepoys told me after this that Tatya had ordered the prisoner to receive quarter seer of salt in his water. I told Bulwuntrao Eshwunt, and he said very well, do whatever is the order. This went on for three days without the prisoner drinking anything. After this, one day his fetters came off him, and he got out of his room and made a demonstration with a sword which he managed to pick up near the guard. In consequence of this his fetters were increased in weight. This I heard from the sepoys. When I went one day I found the prisoner heavily fettered with new irons made on purpose for him. The leg irons were about a maund, the handcuffs about three-quarter of a maund, a ring round his neck weighing about 15 seers. I used to go to see him every day. He did not eat anything after the day when the bajree bread and the chillies and salt were given him, so he got every day weaker. I don't know anything about canjee given to the prisoner. My duty was only to give the money for his food to the officer of the guard. At first Maiputrao was the officer, and after the salt and water were ordered for the prisoner, another man was put on, I think Bhao Khundoo. About three or four days after the heavy letters were put on Govind died. A sepoy came to my house early in the morning to tell me. I accompanied him to Bulwuntrao's house, and told him also. He called Narayenrao Wakusker and sent him and the sepoy and me before the Maharaja. Narayenrao left us two sitting at the Gurheepát (steps leading up to terrace of Maharaja's apartments), and went in to the Maharaja by himself. He came out again with Narayenrao, Doctor, and Gunesh Shastree, and told us to come with him to the Futtehpoor Chowkey. As we turned to go down we met Bulwuntrao Eshwunt coming up. He said go on, I'll come on after I have seen the Maharaja. He went on and caught us up before we got to the Chowkey, I and the sepoy being on foot, and the others in bullock carts were left behind. By the time we reached the Chowkey the others had taken the fetters off the deceased, and were engaged in writing the proceedings of an inquest. When it was ready, I was told to look it over and correct it. I saw that it was written in the hand of Bulwuntrao Eshwunt, and it ascribed the death of the deceased to sanipát (rheumatism) and dengue fever. The corpse seemed to be much attenuated. Bulwuntrao Eshwunt ordered his brother to be called, and gave a sepoy with him, and ordered the corpse to be burnt. He ordered the sepoy to report when the corpse had been burnt.

* My duties were to provide the food for all prisoners confined out of the main Jail.
(Sd.) F. H. J.

Cross-examined.—On the day preceding the night when Govind Naik died I went to the Chowkey in the morning alone. I did not go in the course of the day with Tatya Toupey and Narayenrao Wakusker. I did not warn Bola Sing, Jemadar of the guard, that day, that if anything unusual happened, or the prisoner died, I was to be called at once. I did not tell Bola Sing to give the prisoner fresh water to drink that evening. I did not accompany the sepoy who called me on the night of the death of Govind to the Chowkey after seeing Bulwuntrao Eshwunt, but I went, as I have stated, to the Maharaja's palace. I never went to the Chowkey with Tatya Toupey and ordered canjee to be given to Govind. I recognize the Marathi paper shown to me (marked A., F. H. J.), as the original paper written by Bulwuntrao Eshwunt about Govind's death. I am of opinion that Govind Naik died from the torture he was put to by the heavy fetters and restrictions in wholesome food and water. I do not know anything about his having had poison administered to him in canjee or otherwise. I only acted in the matter under the orders of Bulwuntra Eshwunt.

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Before me,
(Sd.) F. H. Jackson, Capt.,
Baroda, the 11th February 1875. Inquiry and Detection Committee.

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Wamonrao re-examined.—I recognize the handcuffs and leg irons produced before the Committee. They were made especially for Govind Naik by order of Bulwuntrao Eshwunt. The letters weigh about one seer less than a maund, and the handcuffs about 25 seers. The collar for the neck weighed about 12 seers.

(Sd.) F. H. Jackson, Capt.,
Baroda, the 12th February 1875. Inquiry and Detection Committee.

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Wamonrao Hurree, Brahmin, Carkoon, under the late Fouzdar Bulwuntrao Eshwunt, states:—Cases such as those against Bhow Scindia, Govind Naik, Rowjee Mustee, and Gunnoowagh are not entered in the Crime Register, because the Fouzdar Bulwantrao Eshwunt gave the Carkoons orders not to enter their names, there was no record kept regarding them.

(Sd.) F. H. Segrave, Capt.,
The Residency, Baroda, the 15th February 1875. Superintendent of Police, on Special Duty.

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No. 7.

Tatya Mahadeo Toupey, Hindoo, Brahmin, age 43, resident of Baroda, in Barranpoora, occupation, Clerk or Carkoon in the 2nd Regular Regiment of His Highness the Gaekwar, states:—I remember about three and a half years ago that a man named Govind Naik was confined in the Futtehpoor Chowkey by order of the Maharaja Mulhar Rao. I do not know what his fault was, but the Maharaja used to send me to him in order to extract a confession from him. The first time I went to see him he had irons or fetters similar to those shown me by the Committee. I cannot swear if they were the same fetters, but they were very like those I see before me. I don't know what his food was, as that was not in my hands. I cannot remember who was in charge of the prisoner, whether it was Maiputtee or not. I went twice to see the prisoner. The first time, after he had been in prison about three days, I only asked him to confess his crime, and I would get him restored to his old place. He would not confess anything. I went two days afterwards, and said the same thing, adding that I knew what his crime was, but he was still silent. I never saw him again. I told the Maharaja what passed between Govind and myself. The Maharaja said, if he wont confess, let him alone. I enjoyed the Maharaja's fullest confidence, and was almost always with him. When he slept I used to sit by his bedside.

Before me,
(Sd.) F. H. Jackson, Capt.,
Inquiry and Detection Committee.

Baroda, the 12th February 1875.

No. 8.

Kooshal Babajee, Hindoo, Rajpoot, age 50, occupation, military service, resident of Baroda, in Futtehpoor, states:—About three years ago I was Subadar of the Futtehpoor Chabootra. I remember Govind Naik, a Mankree of His Highness, Mulhar Rao, being brought to the Futtehpoor Chabootra. I was absent eating my meal when he came, so I don't know who brought him. When I returned I found that he was a prisoner; he was placed in a room about four or five gaz in width and length. He was fettered with ordinary light iron fetters on the legs for three days, and received proper food. About three days after his arrival Wamonrao, a Carkoon of the Fouzdar's, and Tatya Toupey, of the 2nd Regiment, came and put on him heavy fetters and handcuffs, and a heavy iron collar. The fetters and handcuffs produced before the Committee are the ones put on Govind Naik. At that time Maiputtee Naik and Beeharkara Naik and four sepoys were in charge of the prisoner, besides two sepoys of the 2nd Regular Regiment. By order of the Carkoons before mentioned the prisoner received for 14 days one part of bajree bread, one part of chillies, and one part of garlic, and one part salt made into chutney to eat with the bread, and to drink salt mixed with water. I remember that the prisoner got fresh water up to the time that he got good food and wore light irons, and that after the irons were changed to heavy ones, the food was changed, and salt was put into the water, The prisoner would not eat this food or drink this water, but would take a little in his mouth and spit it out again. In this way 10 or 12 days passed. After that time his limbs had shrunk so that one morning he was enabled to release them from the irons and get out of his cell. He threatened the guard with the iron bar of the handcuffs, so that they all fled. He then possessed himself of a sword which was lying on the Chabootra, and came to where I was and demanded water. I agreed to give him water if he would be quiet, and I got him into his cell again; all this took about an hour. While I was talking to him, Appa Saheb (Gunputrao Bulwunt), Wamonrao Hurree, Tatya Toupey, and Narayenrao Wakusker arrived. They abused me and made Maiputtee Naik a prisoner for his carelessness in letting the prisoner loose. In consequence of this affair, Govind Naik was removed from his old room to a place with bars on one side which was used for imprisoning women. This was smaller than his old place. In the place of Maiputtee, Bola Sing, Jemadar, and party were put on to relieve Maiputtee and his men. I don't know who gave the order, but from this time the prisoner used to get canjee composed of ghoor, salt, and water. This I heard from the men who gave it. The prisoner died about two days afterwards. The treatment which the prisoner received was entirely owing to the orders given. Tatya Toupey, Wamonrao, and Narayenrao Wakusker came twice to the Chabootra to look at the place. I did not hear him give any orders. I did not hear Gunputrao give any orders either.

Before me,
(Sd.) F. H. Jackson, Capt.,
Inquiry and Detection Committee.

Baroda, the 13th February 1875.

No. 9.

Ram Surroop Takoor Dyal, Hindoo, Purdesee Brahmin, age 30, occupation, service in Baroda Police, No. 335, resident of Baroda, states:—About three years ago and two days before Govind Naik, prisoner, died in the Futtehpoor Chabootra, I went with others to mount guard over him at 1 p.m. Bola Sing, Jemadar, commanded my patty, and Bhao Khundoo was the Havildar, and the other privates were Kurreem Khan, Boorain Khan, and Gungadeen, besides myself. Gurhur, another Private of the Police, was there as an orderly. There were also two Privates of the 2nd Regular Regiment over the prisoner. The police were under Wamonrao, a Carkoon of the Fouzdar, Bulwuntrao Eshwunt, and the regular sepoys were under Tatya Toupey, a Carkoon of that Regiment, and a favourite of the Maharaja. When we took charge, the prisoner, Govind, was heavily ironed with fetters of unusual size. When I went on sentry, I received an order to give the prisoner salt and water out of a lotah, which stood ready if he wanted anything to drink.

I do not know what he had to eat. We did not take formal charge from any one. I did not see Maiputtee, Havildar of Police, at the Chabootra, but I saw Kooshal Subedar of the Police. He had commanded the guard before us in which Maiputtee was. Maiputtee had been confined before we arrived, because when the prisoner had on a late occasion got rid of his fetters and emerged from his cell in a threatening manner, he had run away. I received the order about the salt and water from the sentry whom I relieved. When I arrived at the Chabootra to take charge, I found Wamonrao Hurree, Tatya Toupey, and Narayenrao Wakusker there. Wamonrao showed us the salt and water, and told us to give it to the prisoner. The next day I went on sentry again, but nothing particular happened. In the evening I went on again. I was then told by the sentry who preceded me that the prisoner had been fed with "rabree" or "canjee" by Wamonrao, Tatya Toupey, and Narayenrao. I heard the men of my guard talking to this effect. In the morning when I was on sentry, I remember that the prisoner called for water, and Wamonrao, the Carkoon, ordered Gurhur, the sepoy I have spoken of, to give him some of the salt water. The prisoner could hardly move on account of his heavy fetters, so Gurhur easily poured some salt water into his mouth. He, however, spat it out, and would not swallow it. Govind never ate anything while I was at the Chabootra. On the Sunday I was on sentry from 7 to 9 p.m., but nothing happened. Govind used to mutter a good deal to himself, and never slept during the last days of his existence. At 12 o'clock that night I heard he was dead. He became silent, and the Jemadar, Bola Sing, and Subedar, Kooshal, examined his cell from the outside, and found that he was dead. Bola Jemadar went and told Bulwuntrao Eshwunt, and I called Wamonrao and accompanied him to Bulwuntrao's house. From there I returned to the Chabootra. About 1 o'clock in the morning, Wamonrao and Bulwuntra Eshwunt, Tatya Toupey, and Narayenrao, and some doctor whose name I don't remember; I don't know what they did, but they wrote some paper. They called his brother, and handed over to him the dead body. I consider that the prisoner, Govind, died from the cruelty practised on him by these Carkoons.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

Baroda, the 13th February 1875.

No. 10.

Gungadeen Rugonath, Purdesee, formerly Police Peon in the service of His Highness the Gaekwar, 45 years of age, inhabitant of Lucknow, now residing in Baroda, states:—About three or four years ago a man named Govind Naik was a prisoner in the Futtehpoor Chowkey, and I was on duty there. By order of Bulwuntrao Eshwunt, and his son "Gunputrao," alias Appa Saheb, the prisoner Govind Naik was shut up in a room and the door locked. Tatya Toupey and Wamonrao Hurree were the persons who gave orders when the door was to be opened, and they gave the prisoner his food. The night before he died Tatya Toupey and Wamonrao Hurree locked the door, and these persons unlocked the door next morning and found Govind Naik dead. During the night, about 12 o'clock, I heard Govind Naik call out for some water, and in the morning I concluded he was dead, because he did not answer when the sentry called out to him. He was in the habit of talking to himself, and as he made no noise, I concluded that he was dead. The sentry on duty, a man named Kurreem Khan, was the first to make a report of Govind Naik's death; this was about 6 a.m., and information was at once given to Appa Saheb, and he sent Wamonrao Hurree and Tatya Toupey to the Chowkey. Appa Saheb also went to the Chowkey. I was only on duty at the Futtehpoor Chowkey the day previous to Govind Naik's death. I don't know what was given him to eat, but he was given salt water to drink, and he drank it in my presence.

Before me,
(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

The Residency, Baroda
the 18th February 1875.

No. 11.

Gurbur Wusta, Cooly, age 30 years, serving in His Highness the Gaekwar's Police, No. 323, inhabitant of Baroda, states:—I was on duty at the Futtehpoor Chowkey about three years ago, and whilst there Govind was made a prisoner and locked up in a room; fetters were attached to his feet. After he had been in the Chowkey about 15 days, very heavy irons were put on his neck, hands, and feet, and he was locked up as before. I was on duty over the female prisoners who were in the Chowkey. The door of the room in which Govind was confined was only opened by order of Wamonrao Hurree and Tatya Toupey, and these persons were always present when food was given to Govind Naik. I heard the peons in the Chowkey say that salt water was given Govind Naik to drink, and I saw some salt being crushed in the Chowkey, which was put into a lotah with some water for the prisoner Govind. I was away from the Chowkey on the night Govind Naik died. When I returned to the Chowkey next morning, I heard that he was dead, and that his body had been taken away to be burnt. I now remember that salt water was only given to Govind Naik after the very heavy irons were attached to his neck, hands, and feet.

Before me,
(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

The Residency, Baroda,
the 13th February 1875.

No. 12.

Chugunlal Damodar, Brahmin, age 35 years, Carkoon, formerly Carkoon under Bulwuntrao Eshwunt, residing in Baroda, states:—The report which I sent Rao Bahadoor Gujanund Vithul yesterday is in my own handwriting. I do not know what charge was brought against Govind Naik; he was arrested by a Fouzdaree Carkoon named Datatray Ramchunder by order of Bulwuntrao Eshwunt and brought to the Fouzdar's Cutcherry. No inquiry was made as to the cause of his arrest, and he was sent off at once in charge of Datatray Ramchunder to the Futtehpoor Chowkey. We, Carkoons in the Fouzdar's Cutcherry, carry on work according to the regulations laid down by His Highness the Gaekwar, but if the case is an important one, we obey the orders of the Fouzdar. When Govind Naik was sent off from the Fouzdar's Cutcherry to the Futtehpoor Chowkey, I did not see whether any Police peons accompanied him. I do not know what arrangement was made regarding Govind Naik's food, nor do I know when he had heavy fetters and handcuffs put on him. After his death I heard that he had been treated with great cruelty. Bulwuntrao Eshwunt knows why Govind Naik was arrested, and how he was treated during the time he was prisoner in the Futtehpoor Chowkey. I do not remember any one having been arrested and put in prison, as in Govind Naik's case, without some charge being brought against them and without inquiry being made as to the cause of the arrest.

Re-examined:—It is usual to keep a register of all complaints made, and of all arrests. This register is kept in the Fouzdar's Cutcherry. When a prisoner is sent to Jail an order on Jailor accompanies him stating the charge against him and the term of imprisonment; a receipt is taken from the Jailor for the prisoner handed over. When a prisoner is sent to a Chowkey an order is sent to the officer in charge giving the man's name, without any particulars as to the offence of which he is accused, or the term of imprisonment he is to undergo. No receipt is given by the officer in charge of the Chowkey.

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Before me,

The Residency, Baroda,
the 15th February 1875.

(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

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No. 13.

Datatray Ramchunder, age 35, Brahmin, Carkoon under the late Fouzdar Bulwuntrao Eshwunt, residing in Baroda, states:—I do not know what charge there was against Govind Naik, but one evening Bulwuntrao Eshwunt ordered me to go and fetch him from the Silley-khana where he was employed. I did so, and brought him to Bulwuntrao's Cutcherry. Bulwuntrao Eshwunt had some conversation with Govind Naik, which lasted about 15 minutes, but I do not know what they talked about, as I went downstairs to my work. A sepoy came to me, and said that Bulwuntrao wanted me upstairs. I went up to Bulwuntrao, and he ordered me to take Govind Naik to the Futtehpoor Chowkey, and have him put in chains. Wamonrao Hurree and two peons accompanied me with Govind Naik to the Futtehpoor Chowkey. I carried out the orders given me, and reported to Bulwuntrao that I had done so. The chains which were put on Govind Naik by my orders were of the ordinary size. I knew that some heavy chains weighing 2 maunds 4½ seers had been made for Govind Naik, because I paid Rupees Babashye 20-1-9 for them, and made the entry in the account book. I received an order, which I produce, from Bulwuntrao Eshwunt to pay for the chains. I produce also a yad signed by Wamonrao Hurree to the address of Bulwuntrao Eshwunt, detailing the total expenditure (Babashye Rupees 38-4-6) incurred on account of Govind Naik. I never made an entry for such heavy chains as those made for Govind Naik. It is usual to keep a register of all complaints and arrests made in the Fouzdar's Cutcherry, but in Govind Naik's case nothing was kept.

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Before me,

The Residency, Baroda,
the 15th February 1875.

(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

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No. 14.

Sheikh Boorun Lall Mahomed, Mussulman, 30 years of age, serving in His Highness' Police, and residing in Baroda, states:—When I was sent on duty to the Futtehpoor Chowkey, Bola Sing, Jemadar, was the officer who gave me charge of Govind Naik. I came to the Futtehpoor Chowkey a day and a half before Govind Naik died. Nothing unusual occurred the first day, but on the afternoon of the second day, about 4 o'clock p.m., Wamonrao Hurree and Tatya Toupey came to the Chowkey, and after mixing flour and salt in a lotah with water placed it on a fire to boil. After keeping the lotah on the fire until its contents boiled, they removed it, and allowed the mixture to cool. They then took it into the room where Govind Naik was confined, and Tatya Toupey held the prisoner's face whilst Wamonrao poured the contents of the lotah down his throat. Govind Naik was so exhausted that he scarcely made any noise, and he was so heavily chained that he could not move after the contents of the lotah had been given to Govind Naik. Wamonrao Hurree and Tatya Toupey locked the door of the room, and left the Chowkey. This was about half-past 5 p.m. Before leaving the Chowkey they ordered me not to allow any one to have any communication with the prisoner. About 6 o'clock p.m. I was relieved, and left the Chowkey. I did not return until 9 p.m. I was then told by the sepoy on duty, Kurreem Khan, that Wamonrao Hurree and Tatya Toupey had been to the Chowkey, and given Govind Naik food in the same manner as I had seen them give him in the afternoon. I saw Govind Naik, he appeared quite exhausted, and did not speak. Shortly after this I went to

sleep, and slept until 12 o'clock, when I got up to go on duty. After I had been on sentry about an hour, Govind Naik, who had been making a noise as if he was dying, became perfectly quiet, and I called the Jemadar, Bola Sing, and told him that the prisoner was perfectly quiet. The Jemadar procured a light, and he, with Subedar Kooshal and Havildar Bhao Khundoo looked through the bars of the door of the room where Govind Naik was confined to see whether he was dead. The Subedar Kooshal shoved a piece of wood through the bars against Govind Naik's leg, and said he is dead. After this the Subedar and Havildar went to sleep, and I remained on duty until 3 o'clock, when I was relieved by a sepoy whose name I don't remember. I went to sleep for an hour, and then went off to my house, where I remained until about 6 o'clock, when I returned to the Chowkey, where I saw Wamonrao, who gave me Rupees 1½ to go and buy cloth to wrap up Govind Naik's body. I bought the cloth, and handed it over to Govind Naik's relatives at the Chowkey, and the body (Govind Naik's) was taken away to be burnt.

Before me,
The Residency, Baroda, (Sd.) F. H. SEGRAVE, Capt.,
the 16th February 1875. Superintendent of Police, on Special duty.

No. 15.

Bulwuntrao Eshwunt, Hindoo, Purboo, age 54, occupation formerly chief Fouzdar of Baroda, at present without employ, resident of Baroda, states:—In the month of March 1872 (Fagun 1928) I being chief Fouzdar of Baroda was summoned about half-past 4 or 5 p.m. one day by the Maharaja Mulhar Rao. I went to where he was sitting upstairs in the palace, and found the Maharaja and Bulwuntrao Ravelkur alone together. Bulwuntrao Ravelkur was Naik Dewan at that time, but he really had more influence than the Dewan, who was Gopalrao Myral. The Maharaja said, "Do what Bulwuntrao Ravelkur tells you." The latter said, "Send a Carkoon "and apprehend Govind Naik in the Silleykhana, and take him and confine him in the Futteh-"poor Chabootra, and put on him the heaviest irons you have got." The Maharaja heard this order given. I said to Ravelkur, "Supposing the man asks me when I put his irons on what is "my offence, what shall I tell him?" He replied that it was a private matter, and no business of mine to ask questions about. I then returned to my Cutcherry and ordered a Carkoon named Dalatray Ramchunder to go and apprehend Govind Naik. Dalatray brought him before me. When I told him that he was to go to the Futtehpoor Chabootra as a prisoner, he asked what his fault was; I replied that I did not know, but it was the Maharajah's order. I then sent him to the place assigned for his imprisonment. This was on the same evening that I got the order from Ravelkur. I sent Wamonrao Hurree, a Carkoon under me, to the Chabootra to see about the prisoner's food, &c., and ordered him to give the usual diet prescribed for prisoners. Unconvicted and convicted prisoners got the same food, 1¾ seers of bajree flour, one-quarter seet of dhall, half pice worth of ghee, half pice of vegetables. Govind got this food for three or four days. He was ironed in the usual manner, but I had put the heaviest irons I could find according to the order I had received. After three or four days the Maharaja sent for me, and asked how the prisoner was ironed; I told him. He said, "Why did you put on such light fetters?" I represented that they were the heaviest I had. He said, "I want heavier than that; I want "fetters weighing 1¼ maunds (100 lbs.)." I endeavoured to expostulate mildly with him about the severity of this order, but he got angry with me and sent me away with an order to do what I was told. At the same time he ordered me to prepare heavy handcuffs, and a ring* for the neck in proportion. I did not know even what the ring (toke) was, but he told me that the "Lohar" would understand. I then returned to my Cutcherry and ordered Wamonrao Hurree to get the irons, handcuffs, and collar made. The cost of these things was entered in the Fouzdaree accounts. When they were ready I acquainted Bulwuntrao Ravelkur with the fact, and at the same time said that I thought they would prove very severe; he replied that we could not help that, but must do as the Maharaj wished. I then ordered Wamonrao to put the irons on. About the same time Bulwuntrao Ravelkur told me that Tatya Toupey, a private servant and favourite of the Maharaja, and Carkoon of the 2nd Regular Regiment, would superintend the prisoner's food, &c., and that I was not to interfere with any arrangement he might make. On this I told Wamonrao Hurree not to interfere with any order that Tatya Toupey might give on the subject of the prisoner's food. Wamonrao told me after this that Tatya had ordered one seer of bajree flour and some chillies to be given to the prisoner daily. After a few days Wamonrao told me that he had been directed to give half a seer of bajree flour, and salt about quarter or half a seer. A few days after this I heard that the prisoner was out† of his mind and did not eat anything. I told him to tell Tatya Toupey, as it was his business to look after the prisoner now. Three or four days afterwards I heard that the prisoner had managed to free himself from his fetters and possess himself of a sword, with which he had threatened the sepoys of the guard. I then heard that he had been seized and confined again. Two or three days afterwards I heard that he was dead. Wamonrao came about 6 o'clock one morning to acquaint me with this fact. I was about to send my Vakeel Narayenrao Wakusker to inform the Maharaja, when a sowar came from him to call me. I went to the palace, and met the Maharaja at the foot of the stairs. He had already heard of Govind's death, and told me that Gunesh Shastree (Vaid) and Narayenrao (Doctor) had been sent to the Chabootra to hold an inquest on the body, and that I was to let the body go after the inquest was held. I went to the Chabootra, and on the way fell in with the Doctors mentioned. We arrived at the Chabootra together, and as they examined the body I wrote out a draft of the report. In the meantime Wamonrao arrived, and I handed the report over to him to be finished properly, He copied it out fresh and

* Toke.

† Hawal dil, not quite so strong as "out of his "mind."

got the Doctors to sign it. As far as I can remember this report assigned as the causes of Govind's death "fever" and a disease called "Shaneepat." I then ordered Wamonrao to give the body of the deceased to any relation there might be, and I then left the Chabootra.

Question.—After Govind Naik had been imprisoned a few days, did you not order Wamonrao to give him equal parts of bajree bread and salt and chillies to eat?

Answer.—No! Wamonrao told me that Tatya Toupey had ordered certain food as above stated in my deposition, and I merely told Wamonrao to carry out Tatya's orders.

Question.—How was it that your orders were subordinate to those of Tatya Toupey?

Answer.—He was a great favourite of the Maharaja's, and to oppose him in any way was to draw the revenge of the Maharaja on ourself.

Question.—Do you remember who was in charge of the police guard over Govind when he was first imprisoned?

Answer.—No.

Question.—Did you or did you not order this guard to be relieved by another after the prisoner had released himself from his fetters one day?

Answer.—I cannot remember that I did.

Question.—Is it true that Tatya Toupey's sepoys were engaged at the Chabootra in charge of the prisoner Govind?

Answer.—Yes! Bulwuntrao Ravelkur told me that if Tatya's sepoys were placed on that duty I was not to interfere. Some sepoys were there, but I don't remember how many.

Question.—In your opinion did Govind Naik die of fever and "Shaneepat," or from the ill-treatment he received in his confinement?

Answer.—The ill-usage he underwent was enough to bring on a fever. It was in fact enough to kill him. I did not see Govind in person before or after his death, so I cannot say whether he had fever or not. I wrote the report of his death on what the Doctors said.

Question.—Why did you not, when you knew that Govind was being subjected to ill-usage, go and see for yourself what state he was in?

Answer.—It was a private business of the Maharaja (Khanjee bareek kam) of a delicate nature, so I was afraid after what Bulwuntrao Ravelkur said to interfere in it.

Question.—Do you not know that there is a rule in the Gaekwar's code of laws that if a subordinate receives an unlawful order he is not to perform it?

Answer.—When the Gaekwar's will is concerned the law is set aside. I mean that the Gaekwar's will is the law.

Question.—Is there any record on your files on the subject of Govind's imprisonment?

Answer.—No; the inquest on his body is the only record existing. No record or list of any kind has been ever kept of prisoners confined for offences against the Gaekwar's private life (Khanjee kam meu).

Question.—Do you remember how long Govind was in confinement?

Answer.—Between one and two months as far as I recollect.

Question.—Do you mean to say that you do not know why Govind was subjected to all this ill-treatment?

Answer.—Govind was in the zenana, and I infer from that that his crime was connected with that department, but I don't know for certain.

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(Sd.) F. H. Jackson, Capt.,
Baroda, the 17th February 1875. Member of Inquiry Committee.

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No. 16.

Bulwuntrao Ravelkur, Hindoo, Brahmin, age 44, occupation, formerly in service of His Highness Gaekwar, now out of employ, states:—About three years ago I was a member of the Verest, or High Court in Barada, and was a favourite of the Maharaja's. One day about 4 p.m., when I was sitting with the Maharaja upstairs in the Palace on the terrace, called Gaitree pat, he sent for Bulwuntrao Eshwunt, Head Fouzdar, and told him in my hearing to take Govind Naik, a servant in charge of the Silleykhana, and remove him to the Fouzdar's Cutcherry and put him in irons. On this Bulwuntrao Eshwunt sent a Jasud to call Govind Naik, while he himself remained at the Gaitree pat. When Govind was brought before us, the Maharaja told Bulwuntrao to take him away to prison. Bulwuntrao took Govind away. Two or three days afterwards I heard that Govind had been imprisoned in the Futtehpoor Chabootra. In my presence the Maharaja ordered Tatya Toupey, a Carkoon of the 2nd Regular Regiment, to see to the prisoner's food and drink. Tatya was a man introduced to the Maharaja by me. After this I do not know what occurred at the Futtehpoor Chabootra. After Govind died, I heard of the event, but I know nothing about its particulars.

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Before me,
(Sd.) F. H. Jackson, Capt.,
Baroda, the 18th February 1875. Inquiry and Detection Committee.

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No. 17.

Beetar Kara, Hindoo, Barrea, age 27, occupation Lance Naik in the Baroda Police, No. 60, residence Baroda, states:—About three years ago I was on duty at the Jemadar's Cutcherry and was deputed to the Futtehpoor Chabootra for duty. I found there a prisoner, named Govind, formerly a servant of His Highness Mulhar Rao. The guard consisted of Maiputtee, full Naik,

myself, and four Privates. The prisoner was heavily ironed with a collar round his neck in addition to the usual fetters. I never saw such heavy fetters on any other prisoner. I went 14 days after the prisoner was imprisoned at the Futtehpoor Chabootra. He was then receiving bajree bread to eat and salt and water to drink, that is to say, these things were offered to him, but he did not eat them. I saw about 14 pieces of bread lying in the cell with the prisoner. About four days after I went to the Chabootra, the prisoner managed to release himself from his fetters and make an attack on his guard in order to obtain water. He was speedily secured, but in consequence of this demonstration on his part, Maiputtee and I and the rest of the guard were relieved by order of Gunputrao Bulwunt. Maiputtee and I were imprisoned for three days. I do not know what happened after this. Wamonrao Hurree, a Fouzdaree Carkoon, and Tatya Toupey, a Private of the Maharaja's, used to come to the Chabootra to see the prisoner. They ordered that his door was not to be unlocked without their presence. Tatya used to pour salt water into the prisoner's mouth. Nobody else came to the Chabootra while I was there. Gunputrao Bulwunt came after the prisoner released himself from his irons.

Before mē,

(Sd.) F. H. JACKSON, Capt.,
Member of Inquiry Committee.

Baroda, the 20th February 1875.

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No. 865P., dated Fort William, 10th March 1875.

From F. HENVEY, Esq., Officiating Under Secretary to the Government of India, Foreign Department, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

IN reply to your letter No. 93–563, dated 25th ultimo, submitting a summary of evidence and report in the case of Govind Naik, drawn up by Captains Segrave and Jackson, as members of the Inquiry Committee, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of your proposal to take no further proceedings at present.

2. The matter should lie over until the result of the investigation made by the Commission appointed to inquire into the charges against Mulhar Rao Gaekwar shall be known.

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EAST INDIA (BARODA, No. 4.)

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# CORRESPONDENCE

WITH RESPECT TO

# PROPOSED REFORMS

IN THE

# ADMINISTRATION OF BARODA.

Presented to both Houses of Parliament by Command of Her Majesty.

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# CORRESPONDENCE.

## I.—Correspondence between the Resident at Baroda and the Government of Bombay.

### A.—Letters forwarded to the Government of India before the 19th November 1874.

No. 269-913, dated Baroda Residency, 28th August 1874.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

I HAVE the honour to forward copies of correspondence with the Durbar upon the subject of the officers of Government required to assist His Highness the Gaekwar in reforming the administration of the Baroda State.

Durbar yad, No. 1459, dated 17th August 1874.
Residency yad, No. 1611, dated 26th August 1874.
Durbar yad, No. 1524, dated 28th August 1874.

2. Mr. Dadabhoy Nowrojee has expressed to me his anxious desire to have these men as soon as possible. It is therefore requested that the Government may be so kind as to make the necessary arrangements for sending them to Baroda.

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Translation of a yad from His Highness the GAEKWAR of BARODA, No. 1459, dated 17th August 1874.

WITH reference to that part of the Governor-General's khureeta in which His Excellency informs me that if I require the assistance of officers of the British Government, His Excellency the Governor of Bombay in Council will, on my application, do all in his power to meet my wishes, I shall deem it a favour if His Excellency the Governor of Bombay will lend me for two years the services of the following officers to be employed on the duties specified:

1. Shumbooprased Luxmilal, Esquire (as Head Revenue Settlement Officer).
2. Pestonjee Jehonghir, Esquire (as Head Settlement Officer for inams, wuttuns, and alienated lands).
3. Shunker Pandoorung Pundit, Esquire (as Deputy to the Sir Sooba).
4. Pitamberdass Jetha, Esquire (Dufturdar to the Political Agent at Bhooj), as Dufturdar to the Sir Sooba.
5. Three experienced and intelligent Mamlutdars to serve in the Revenue Department.

I leave it to His Excellency in Council to fix the salaries of these officers for the period they will be employed in this State. Should I require more officers I shall address you as necessities arise.

It is of the utmost importance that I should have as early as possible experienced, able, and honest men to assist me in carrying out the reforms the Government of India expect me to introduce. I therefore trust that His Excellency the Governor of Bombay in Council will take this request into his earliest and favourable consideration.

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Translation of yad from His Highness the GAEKWAR of BARODA, No. 1524, dated 20th August 1874.

IN reference to your yadi, No. 1611, dated 26th instant, I propose the following sums as the salaries of the Government officers to be employed in this State:—

1. "Jummabundee Settlement Officer," Rao Bahadoor Sumbooprasad Luxmilal, Rupees 1,800 Babashai.
2. "Wuttun, Alienation, &c., Settlement Officer," Pestonjee Jehanghir, Esquire, Rupees 1,560 Babashai.
3. Mr. Pitamber Jetha, Rupees 550 Babashai.
4, 5, and 6. Three Mamlutdars, if of the 1st Grade, each Rupees 550 Babashai, if of the lower grades, proportionately less.

Messrs. Shumboo and Pestonjee will be directly subordinate to the Dewan. The rest are to be employed in the Revenue Department under the Sir Sooba.

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No. 1611, dated Baroda, 26th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR.

ON my arrival here last evening Rao Saheb Bapoobhai called at the Residency with yads, and I requested him to inform Your Highness, with my compliments, that with reference to Durbar yad No. 1459, dated 17th instant, applying for the services of certain officers of the British Government, I should be happy to confer to-day, or whenever it might seem convenient to Your Highness, with your Minister, Mr. Dadabhoy Nowrojee, on the subject, because, agreeably to the request contained in my yad No. 1480 C. I., dated 10th instant, paragraph 3, the conditions of the employment of, and the powers to be vested in, the British officials named, &c., are not specified, as it is necessary they should be for the information of Government.

Please therefore arrange about this as soon as convenient.

The military honours usually acorded to Your Highness' Minister by British guards will be paid to Mr. Dadabhoy Nowrojee, and orders have been issued to that effect.

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## No. 5238, dated Bombay Castle, 7th September 1874.

### Extract from the Proceedings of the Government of Bombay in the Political Department.

Read letter from Resident at Baroda, No. 269–913, dated 28th August 1874, submitting copy of a correspondence with the Durbar regarding the officers of Government noted in the margin, who are required by His Highness the Gaekwar to assist him in reforming the administration of the Baroda State. Soliciting that the necessary arrangements may be made for sending these officers to Baroda.

Mr. Shumbooprasad Luxmilal.
„ Pestonjee Jehanghir.
„ Shunker Pandoorung Pundit.
„ Pitamberdass Jetha.
Three experienced Mamlutdars.

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RESOLUTION.—Government will not object to the employment of the officers named, if the Durbar can induce them to accept the appointments, and will communicate the names of three efficient mamlutdars, with whom the Durbar can open negotiations.

2. It should be pointed out to the Durbar that these officers will be required, while employed at Baroda, to contribute a per-centage on their pay according to the rule to entitle them to retain their right to pension and leave allowances from Government.

3. Government will permit any of these officers who may accept appointments at Baroda to retain a lien on their present offices for twelve months.

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No. 290–982, dated Baroda, 12th September 1874.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

WITH reference to Government Resolution No. 5238, dated 7th instant, I have the honour to acquaint you that having communicated the purport thereof in a yad to the Durbar, I have to day received the accompanying reply, No. 1610 of this date, which is forwarded for the consideration of Government.

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Translation of a yad from His Highness the GAEKWAR of BARODA, No. 1610, dated 12th September 1874.

RESIDENCY yad No. 1691, dated 9th September 1874, with reference to certain officers of the British Government required for the service of this State is received.

In accordance therewith communication has been opened with the officers. But I cannot help expressing my extreme regret that after having communicated through the Resident my great anxiety on the subject, I have been so unexpectedly disappointed. The time allowed to introduce reforms is very short, and when every hour is important to me, I sincerely trust that the Bombay Government will reconsider their decision, and give me their cordial help by sending the officers I have asked for, as on special duty, without delay. I shall not object to any special arrangements as to salary and per-centage of pension which the Bombay Government may think proper in preference to the terms I have proposed in my yad No. 1524, dated 28th August 1874.

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## No. 307–1069, dated Baroda Residency, 2nd October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

REFERRING to Government letter No. 22 P., dated 6th August 1874,* paragraph 6, clause 3, and my yad to the Durbar, No. 1503C.8.,† having reference to the prohibition to the levy of nuzzerana on appointments in the Gaekwar State, forwarded with my letter No. 254–854,‡ dated 12th ultimo, I have the honour to enclose a copy of the proclamation issued by His Highness the Gaekwar on the subject, together with its English translation.

The manner in which this proclamation is acted up to will be the subject of future report.

* P. 20. † P. 27. ‡ P. 26.

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Proclamation by SHRIMUNT SIRKAR SENA KHASKHEL SUMSHER BAHADOOR.

IT is notified to the public by this proclamation that any person offering a nuzzerana in order to obtain Government employment, or accepting it for conferring such, or any person attempting to do either, shall be liable to the punishment provided for the offence of offering or accepting a bribe; and if such person be a Government servant, he shall be liable to dismissal. Dated 27th Rujub, corresponding with Shravun Sumvut 1931.

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## No. 316–1100, dated Baroda Residency, 7th October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

WITH my letter No. 252–852§ of 1874, dated 12th August last, I had the honour to forward, for the information of Government, copies of my yads to the Durbar as per margin, to which I received the following replies under date the 17th idem :—

§ P. 25.

Residency yad, No. 1482C.2, dated 11th August 1874, regarding ill-treatment and oppression of agricultural classes.

No. 1483C.3, dated 11th of August, regarding moderate and equitable land settlement, &c. &c.

"With respect to yad No. 1482C.2, requesting that the barbarous processes employed in my State for realizing the revenue should be prohibited, and stating that the matter being one of importance could not admit of delay, I beg to assure His Excellency that the matter has engaged my serious attention, the rules and mode of realizing the revenue and all such matters are at present under my consideration. A complete Revenue Code will be prepared as soon as possible, which will leave no room for committing oppression. Offenders in this respect will be duly punished.

"In Yad No. 1483C.3, you have brought to notice the subject of a moderate and equitable land settlement, and a faithful adherence to its terms in future—all further executions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden.

"With regard to this I have to state that the last ten years' settlement has expired in most of the mehals, and it is necessary that for the current year some reasonable settlement of rates should be immediately made. Azum Kazee Shahboodeen made inquiries with regard to the jummabundee of the four northern mehals, viz., Bejapoor, Veesnuggur, Burnuggur, and Khyraloo, and have submitted a report, which not only suggests an immediate reduction of rates, but contains information which will be useful in making a settlement for a term of years. With regard to other mehals arrangements will be made as soon as possible. In the Nowsaree districts the Hoozoor Soobah has been making the necessary inquiries, with a view to make reasonable reductions in the rates of assessment. The advice of His Excellency as regards the rates of jummabundee will be carried out as soon as possible. The terms of settlement shall be adhered to, and no illegal increase made. No oppressive practices on the part of the Durbur officials will be permitted, and any official found guilty thereof shall be punished."

2. With regard to the continued levy of gadee nuzzerana I had the honour to address the letters as per margin to Government, and in accordance with paragraph 1 of Government Resolution, No. 5376, dated 14th September, I addressed the following yad to the Durbar :—

|| Nos. 271–922, dated 31st August 1874. ¶ „ 274–929 „ 2nd September 1874. ** „ 279–945 „ 7th „ „

|| P. 38. ¶ P. 40. ** P. 41.

"No. 1731C.13, dated 16th September 1874.

"From RESIDENT, BARODA, to His Highness the GAEKWAR.

"Referring to the proceedings of the Baroda Commission marginally quoted, and to the khureeta of His Excellency the Viceroy and Governor-General, dated 25th July last, to Your Highness' address, I am desired by Government authoritatively to advise Your Highness not to levy any accession nuzzerana where there is a fixed land assessment."

1. Paragraph 8, group 3, of the Baroda Commission Report.
2. Appendix A. Grievances of the agricultural classes.

3. As I did not receive any reply to the above yad, and the complaints of the ryots continued, I spoke to the Minister Mr. Dadabhoy on the subject, who told me that it was under discussion in the Durbar, that it might have a very bad political effect were it admitted to the people that the gadee nuzzeranna would not positively be collected, and therefore that he had thought of entering it into the accounts as "outstanding balance" (Baki). I replied that I had nothing to do with the internal arrangements he referred to, but merely with seeing that the advice tendered not to collect the tax was followed if accepted; and that as the general outcry amongst the agriculturists was great, something should be done.

4. Finding by the 23rd September that no orders had been issued by the Durbar, and that pressure was being put on the ryots in connection with the tax, I on that date addressed the following yad, No. 1771, to the Durbar:—

"From RESIDENT, BARODA, to His Highness the GAEKWAR.

"For nearly a month past written petitions have been received through the post from the Pergunnahs of Puttum, Wurnuggur, Kurree, Petlad, Bisnuggur, Khyraloo, &c., complaining of the difficulties to which they are subjected by Mohsuls and other means to pay up the balance of the accession nuzzerana still due by them.

"In connection with this subject, I beg to invite Your Highness' attention to my yad No. 1731C.3., dated 16th instant.

"I mentioned to Your Highness' Minister a day or two ago that the Wasna Petels had complained to me of their having been deprived of their wuttuns, and common coolies of their village made patels in their place. The Hurnee people also have lately complained to me of the harsh treatment to which they are subjected in connection with their revenue dues. I invariably refer any petitioners who come to the Residency, or accost me on the public road, to go and prefer their complaints to the Durbar, which they assure me they do.

Pp. 25, 26. { No. 1483C.3, dated 11th August 1874.
" 1484C.4 " " " "
" 1485C.5 " " " "

"In connection with these cases I would invite attention to my yads as per margin."

5. On the 24th September I had another conversation with Mr. Dadabhoy to much the same effect as in paragraph 3 above, when I told him distinctly that I could not recognize any such expedients as he had suggested, with a view, I imagine, to maintain His Highness' sovereignty in the matter intact, and I added that if His Excellency the Viceroy's advice were accepted at all it must be in the same terms as tendered.

6. Accordingly on the 27th September I received the following yad from the Durbar, No. 1691, dated 27th September:—

P. 11. "Residency Yad No. 1731C.13* of 16th September 1874, about the non-levy of accession tax wherever there is a fixed assessment has been received. In reply we beg to state that the advice given will receive attention."

7. Also a separate yad from the Durbar, No. 1692 of 27th September, in reply to part of my No. 1771 is as follows:—

"I have received the Residency No. 1771, dated 23rd September 1874 about the arrangement for the ryots of the districts of Kuddee, Puttun, &c. With regard to this I have to state that it is good that the people who come to you are referred to the Durbar; but some of the people do not appear here. The cases of those who come are properly enquired into. Dated 27th September 1874."

8. Notwithstanding the fact that negotiations had been in progress from the 11th August and the 16th September respectively, upon the subjects set forth above, large numbers of agriculturists assembled at the Residency gates on the morning of the 28th, and as I had repeatedly referred them to the Durbar where they declared they could not obtain any reply, I resolved to take down what they had to say and embodied it in the following yad to the Durbar, No. 1798, dated 28th September 1874:—

"From RESIDENT, BARODA, to His Highness the GAEKWAR.

"In my Yad No. 1731C.13, dated 16th instant, I communicated to Your Highness the authoritative advice of His Excellency the Viceroy and Governor-General 'not to levy any accession nuzzerana (in Your Highness' territory) where there is a fixed land assessment.'

"2. On the 23rd idem I again addressed Your Highness, stating that complaints had been received by post from the Puttun, Wurnuggur, Kurree, Petlad, Beesnuggur, and Khyraloo Pergunnahs, complaining of the heavy expense to which the ryots are put on account of mohsuls, in order to compel them to pay up the balance of the accession nuzzerana which they affirm they are utterly unable to do in addition to their heavy land assessment.

"3. In your yads as per margin, Your Highness consents to pay attention to the advice of His Excellency the Viceroy and Governor-General upon this subject; and you request that any complainant who may come to me upon this or any other subject should be referred to the Durbar at once, and at the same time state that any such who do go their cases are enquired into, and redress given; but that some persons do not go at all.

Nos. 1691 and 1692, dated 27th September 1874.

"4. Under these circumstances I think it right to bring to Your Highness' notice the following instance which occurred to-day, as there would appear to be some misunderstanding upon this important subject.

"5. When taking my walk this morning, I was accosted by four or five men who said they came from the Kurree Pergunnah, and I told them as usual to go to the Durbar, because I have been informed that orders to stop the collection of this nuzzerana had been issued; they replied that they had been to the Durbar and had not obtained redress, in consequence of which I told them to come to me during Office hours at 11 o'clock to-day, when the leading man, named Keywul Purshotum, patel of the village of Panchote, of the Kurree Pergunnah, stated as follows:—

"6. That about eight or nine months ago foot mohsuls were posted at the village in connection with the gadee nuzzerana tax for which they had to pay about Rupees 70, but that they were afterwards removed. That since the latter part of August last five sowars and four footmen have been again posted as mohsuls at their village of Panchote, in order to make them pay up the balance of accession nuzzerana, amounting to Rupees 2,000; two thousand having been already paid in 1872; that the expenses of these sowars and footmen fall very heavily upon the villagers being as follows:—

NOTE.—August 1874, khureeta delivered 3rd August.

" Subsistence for each sowar per diem, viz:—

| | | | |
|---|---|---|---|
| " 10 seers of grain for horse | | | |
| " 2 seers of flour for Sowar | | | |
| " ¼ seer of ghee for Sowar | 0 | 8 | 0 |
| " Grass for horse | | | |
| " Mohsulee paid in cash to Sowar | 0 | 10 | 0 |
| Total for each Sowar per diem | 1 | 2 | 0 |
| Total for five Sowars per diem | 5 | 10 | 0 |
| " Charge of five Sowars for one month Rs. | 168 | 12 | 0 |

" Foot Mohsuls as follows:—

| | | | |
|---|---|---|---|
| " Subsistence— | | | |
| " 2 seers of flour | | | |
| " 1/16 seer of ghee | 0 | 2 | 0 |
| " Mohsulee paid to each footman in cash | 0 | 2 | 0 |
| " Total for each footman per diem | 0 | 4 | 0 |
| " Total for four footmen per day | 1 | 0 | 0 |
| " Charge of four footmen per month | 30 | 0 | 0 |
| " Grand total of both horse and foot mohsulees per one month Rs. | 198 | 12 | 0 |

" 7. Thus independently of the accession tax this village alone is alleged to have been subjected to the above charges or thereabouts.

" 8. The patel of the village of Panchote continued to state that these mohsuls dunned them incessantly for payment; and that about eight days ago some peons came from the Mysana Thanadar to call him (the patel), and about 44 other villagers to Mysana about the payment of the arrears of accession nuzzerana. The Thanadar is said to have told them that they must pay the arrears due, otherwise they would be placed in the cage with Dhers; they replied that they had not committed any offence, and that they were utterly unable to pay the nuzzerana. The patel states that the Thanadar then ordered them to give bail for their appearance before the Wahiwutdar of Kurree, which they did, and reached Kurree on Wednesday, the 23rd instant. The Wahiwutdar being absent, they allege that they were detained until Friday, the 25th instant, when the Wahiwutdar told them to pay up the money; when they replied that they were utterly unable to do so; and state that they reminded the Wahiwutdar of the fact that about a month ago their crops had been damaged by the overflow of the river owing to excessive rain, and that at the time the Wahiwutdar, on being requested to come and see the damage done, did not do so. They state that the Wahiwutdar again urged them to pay the gadee nuzzerana, else it would be their fate to go to prison, and accordingly the sepoys began to seize the villagers, but owing to the darkness they all escaped except about 11 men who were thrown into prison, and were still there when the Patel Kevul Purshotum left Kurree for Baroda three days ago.

" 9. The patel continued to state that he and two other of his villagers, named Munor Bhawa and Jeykurun Amichund, arrived at Baroda by the mail train yesterday at 9 o'clock; that they immediately waited upon Kazee Shaboodeen, the Revenue Commissioner, and obtained an interview about 4 p.m.; that the Kazee Saheb informed them that they would have to pay

NOTE.—Compare with paragraph 3 above.
(Sd.) R. P.

the arrears of the accession nuzzerana, and that if they agreed to this, he would think of allowing them a reasonable time of payment.

" 10. Under these circumstances the petitioners accosted me on the road this morning, and, should their general allegations be correct as above set forth, I have thought it proper to address Your Highness in order that immediate steps may be taken to give substantial effect to His Excellency the Viceroy and Governor-General's advice throughout Your Highness' territory, as set forth in my yads above quoted, dated respectively the 16th and 23rd instant."

9. Again, on the 1st October another large assembly of ryots took place at the Residency, and on this occasion I confronted them all with Mr. Dadabhai when he paid me his usual visit on that morning. I at the same time handed to him the following memorandum showing roughly who the petitioners were, and what were their claims. Mr. Dadabhai took the memorandum home with him, and ordered all the ryots to attend at his Cutcherry that day.

The memorandum is as follows :—

" 1. Village of Sakurda, Baroda Pergunnah, seven koss from Baroda on the Mahee Dadabhai Guneshjee and 50 others complain that permission to *reap* crops is refused by the Mehta and Koomash, Cutchery people. They demand *two sowcars* as securities for *arrears* and *current year's* revenue. These ryots plead that they are ready to pay security as usual, one for another.

" 2. Sokda, Baroda Pergunnah, five koss from Baroda.

" Bapoo Rachadass and others complained the same as No. 1 above.

" About 70 people of Sakda hold alienated land in the Doomla village of Manjoosar in possession of Ghorpaday. Permission to reap crops is refused on the same ground as above, viz., that the security of sowcars is required. Request permission to reap crops giving the usual security (one for another), the salamee tax has also been greatly increased by short measurements.

" 3. Hurnee village, Khanjee Mahal, Tooljee Jewan and four others.

" Same complaint as No. 1 Sakurda.

" 4. Petlaud Pergunnah, Dadran village, Hathibhai Kishorbhai.

" Khunjut Tricumbhai Dyabhai.

" Julsun Lulloo Vurujbhai and three others.

" Mogree Gopal Gullabhai and two others.

" Same complaint as Sakurda, No. 1 above.

" These ryots add that Mogree Havildar has obtained his appointment of payment of nuzzerana, also that such is the case with the village of Badran.

" The whole of the above ryots complain that their crops are being damaged, and that *robbers steal* them owing to the delay caused by the Durbar refusing to allow the crops to be reaped. They have never yet given *sowcars security*, and are quite unable to obtain such, but they are willing to give security as usual, viz., one cultivator standing security for another. They state that they went to the Durbar, but failed in obtaining redress."

I repeatedly asked them about this, and I have no doubt about their having gone there as stated.
(Sd.) R. P.

10. I understood verbally from Mr. Dadabhai that the persons described in this memorandum have received permission to cut their crops, and I conclude that the obnoxious innovation of requiring *sowcars security*, and thereby throwing them hopelessly into the power of that class, has been avoided by the representation made.

11. I received the following reply from the Durbar to my yad No. 1798, *vide* paragraph 8 above:—

No. 1727, dated 2nd October 1874.

" I HAVE received the Residency yad, No. 1798, dated 28th September 1874, having reference to the representations made by you regarding the mohsuls, &c., placed by the Wahiwutdar of Kurree on certain ryots to recover the balance of the gadee nuzzerana. With regard to this I have to state that the first yad from you about the gadee nuzzerana was dated 16th September 1874, No. 1731. In reply to this I have sent yad No. 1691,* dated 27th September 1874, to the effect that attention would be paid to the advice of the Government. This has been carried out.

Eleven days' interval, orders could have reached Kurree in two or three at most.
(Sd.) R. P.

* P. 12.

" If the representations made to you by the people of Kurree about the imposition of mohsuls, &c., is correct, they have reference to a time before the above arrangements were carried out.

His Excellency the Viceroy's khureeta was delivered on 3rd August 1874.
(Sd.) R. P.

" In paragraph 9 of the yad mention is made of the Sir Soobah's reply. With regard to this, it appears on enquiry of the Sir Soobah that the representations made to you are not correct."

12. I have not sent any reply to this yad, because time will show whether *substantial effect* is really being given to the advice of Government or not.

13. On the 5th October Mr. Dadabhai came specially to the Residency after his usual visit to ask me to give a perwannah for troops to proceed to Petlaud as disturbances had broken out there; and I understood him to say that they had been commenced by some Kolis from the Borsud Talooka, Kaira Collectorate. I therefore wrote the following letter to the Collector:—

Evidence regarding the actual state of affairs in Petlaud.

R. P.

"No. 1074, dated BARODA, 5th October 1874.

"From RESIDENT, BARODA, to COLLECTOR of KAIRA.

"His Highness' Minister has just informed me that the Kolis of the Petlaud villages of Kussur, Juda, Mangrol, Mangulpur, Balanta and Cunploee are cutting the crops of some of the Koonbees in their neighbourhood, and he also implied that a kind of retaliation was going on between the above Kolis and British villages of the Muthur and the Borsud Talookas.

"2. Mr. Dadabhai proposes to send 100 infantry and 25 sowars to Petlaud to keep the peace, and I lose no time in informing you of the fact in order that you may take precautionary measures on your own frontier. These troops will leave Baroda to-night, as yet I have only received a verbal communication from Mr. Dadabhai, but when the formal yad comes, I will make you acquainted with its contents.

"3. I did not clearly understand what concern we have in this matter, but I was led to conclude from what Mr. Dadabhai said that the Kolis of both districts were committing depredations."

14. Next day (6th October) Mr. Dadabhai's communication of the previous day was embodied in the following yad, No. 1768, dated 6th October instant:—

"No. 1768, dated Baroda, 6th October 1874.

"The Fouzdaree kamdar has sent in a yad, No. 948, dated 4th October, from which we beg to inform you that about 50 armed men of Balada, Talooka Matur, came to Mangrol with the intention of creating a disturbance with the infantry and sowars sent there to preserve the peace along the boundary, but owing to the cautious behaviour of the sowars no disturbance took place. In the same way the Gaekwaree ryots of the Petlaud Pergunnah who have gone over to the British villages of Balada, Detlee, Wusaee, Sidjiwada, Dewathuj, &c., came over and removed the crops in our villages without permission. We request therefore that the Collector of Kaira may be addressed with a view to put a stop to these depredations in future, and a reply sent to us as early as possible."

By this it would seem that British subjects are charged with beginning the disturbances.

(Sd.) R. P.

These it is supposed are Kolis driven out by oppression last year.

(Sd.) R. P.

15. I at once replied in my No. 1887, dated 6th October, as follows:—

"In acknowledging the receipt of Durbar yad No. 1768 of this date, I have the honour to state that agreeably to the verbal request of Your Highness' Minister I yesterday wrote to the Collector of Kaira upon the subject of the disturbances that have again broken out in Petlaud; and I also issued a pass for one company of infantry and 25 sowars to proceed there.

"2. With regard to the causes of this disturbance as alleged in Your Highness' yad under reply to have emanated partly from British districts, I have invited the Collector's attention thereto, but at the same time I must invite Your Highness' serious attention to the correspondence which has been going on upon this subject since April 1873, all of which tends to show that the cause of disorder rests with the Koolies of Petlaud District, who are now residing there, or have taken refuge in Kaira villages on the border owing to discontent caused by Your Highness' local revenue arrangements.

"3. A perusal of the correspondence will show that the present movement is merely a continuance of what is therein referred to, and that the sole means of remedying the evil lies in the adoption of revised revenue arrangements as soon as possible:—

I have been always impressing on the Durbar the necessity of relieving immediate pressure preparatory to a fixed settlement, which will, of course, require time.

(Sd.) R. P.

16. I deem it necessary to place this record of events before Government at the present juncture without further comment than to invite attention to the fact that the Commission closed its sittings in December 1873, that the Commission Report was forwarded to the Durbar on the 11th April 1874; and that in a khureeta addressed to His Excellency the Viceroy and the Governor-General on the 19th April, His Highness the Gaekwar assured the Government of India "that "the reforms suggested by the Commission under Section 10 of the Report have "already engaged my serious attention, &c., &c."

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No. 319–1109, dated Baroda Residency, 10th October 1874.

From RESIDENT, BARODA, to SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

*P. 32. IN continuation of my letter No. 264–874,* dated 17th August 1874, I have the honour herewith to forward copies of the following yads addressed to the Durbar pursuant to the orders of Government:—

No. 1731C.13, dated 16th September 1874.
„ 1732C.14 „ „ „
„ 1795C.15, dated 24th „ „

† P. 23. 2. Also with regard to the Durbar replies to my several yads, their reply to yad No. 1480C.1.* was submitted to Government with my letter No. 244–840,† dated 10th August 1874, and I now have the honour to forward the following Durbar replies to successive yads from C.2 to C.14, viz.:—

* (1) Removal of Dewan Syajeerao and others from service of Gaekwar; (2) transfer of services of officers of British Government to Durbar; and (3), with reference to choice of a Minister.

Durbar yad No. 1458, dated 17th August 1874.
„ „ 1460 „ 17th „ „
„ „ 1656 „ 21st September „
„ „ 1668 „ 23rd „ „
„ „ 1691 „ 27th „ „

3. The Durbar reply to my yad No. 1795C.15 will be submitted to Government when received.

4. Such remarks as I have to offer upon the purport of some of these replies of the Durbar will be submitted in a separate communication.

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Translation of Durbar yad, No. 1458, dated 17th August 1874.

‡ Pp. 25, 26. I HAVE received the Residency yads,‡ Nos. 1482C.2, 1483C.3, 1484C.4, 1485C.5, and 1486C.6, about the advice of His Excellency the Governor-General: with regard to these I have to state as follows:—

With respect to yad No. 1482C.2, requesting that the barbarous processes employed in my State for realizing the revenue should be prohibited, and stating that the matter being one of importance could not admit delay, I beg to assure His Excellency that the matter has engaged my serious attention. The rules and mode of realizing the revenue and all such matters are at present under my consideration. A complete Revenue Code will be prepared as soon as possible, which will leave no room for committing oppression. Offenders in this respect will be duly punished.

In yad No. 1483C.3 you have brought to notice the subject of a moderate and equitable land settlement and a faithful adherence to its terms in future, all further exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden. With regard to this I have to state that the last 10 years' settlement has expired in most of the mehals, and it is necessary that for the current year some reasonable settlement of rates should be immediately made. Azum Kazee Shahabudin made enquiries with regard to the jummabundee of the four of the northern mehals, viz., Beejapur, Vusnuggur, Burnuggur, and Khyraloo, and has submitted a report, which not only suggests on an immediate reduction of rates, but contains information which will be useful in making a settlement for a term of years. With regard to other mehals, arrangements will be made as soon as possible. In the Nowsaree districts the Hoozoor Soobha has been making the necessary enquiries, with a view to make reasonable reductions in the rates of assessment. The advice of His Excellency as regards the rates of jummabundee, will be carried out as soon as possible, the terms of settlement will be adhered to, and no illegal increase made, no oppressive practices on the part of the Durbar officials will be permitted, and any official found guilty thereof will be punished.

Yad No. 1484C.4 relates to the adoption of some equitable mode of dealing with the wuttun and inams of my State, so as to remove all grounds for anxiety and discontent among the holders of them. With regard to this I have to state that the wuttuns, which had been attached by His Highness Khunderao, were released from attachment last year, a general enquiry is to be made into the matter. I shall hereafter communicate my views on the important subject of wuttuns and inams.

Yad No. 1485C.5 has reference to the exercise of the strictest supervision over the subordinate officials, so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them. With regard to this I have to state that this important subject under notice has already engaged my attention, and without loss of any time whatever such measures will be adopted as will, in my opinion, effect the desired reform.

In yad No. 1486C.6 I have been requested to arrange that punishments awarded for offences bear some reasonable relations to the crimes committed, and be not scandalously excessive as in some of the cases proved before the Commission. With regard to this I have to state that this subject too has engaged my attention. Better regulations for civil, criminal, and revenue matters than that now in force are under preparation. When those are brought into operation, several of the heads of advice given by His Excellency the Governor-General will have practical effect.

I will at short intervals communicate to you, for the information of the Bombay Government and the Government of India, particulars as to the progress towards reform in each of the matters above set forth; and I will gladly avail myself of your advice as necessity arises.

I trust that, if suitable opportunity is given to me, and I obtain hearty assistance from you, I will be able to assure His Excellency the Governor-General that the confidence reposed in me will not go for nothing; and that every advice of His Excellency will be really carried out as soon as possible.

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Translation of Durbar yad, No. 1460, dated 17th August 1874.

I HAVE received the Residency yads Nos. 1502C.7 and 1503C.8,* dated 12th August 1874. * Pp. 26, 27.
and No. 1518C. 9,† dated 14th August 1874, and with regard thereto I have the honour to † P. 31.
state as follows:—

Yad No. 1502C.7 states that His Excellency the Governor-General has directed you to urge on me to conform to the recommendations of the Commission. In connection with this, I have been requested, in consultation with you, to frame general rules for adoption in giving effect to reductions of Sirdars and Silladars, &c. With regard to this some information is to be collected, and the matter is to be fully thought over. I will therefore further communicate with you about it hereafter.

In yad No. 1503C.8, the following subject was brought to my notice, viz., that with the object of preventing the sale of appointments generally in my service by the levy of nuzzerana, and suppressing extortion on the part of office-holders, that I should introduce the system of paying fair salaries for the performance of duty, and issue a proclamation forbidding the levy of nuzzerana on all appointments, copy of such proclamation being furnished for the information of Government. With regard to this I beg to state that I am about to adopt full measures for giving adequate salaries to officials; the practice of taking nuzzeranas has been done away with for some time past. Still a proclamation will be made as desired by the Resident, and a copy sent to the Residency.

In yad No. 1518C.9 you requested me to put a stop to and severely punish any persons concerned in the abduction of women for forced service in the palace. With regard to this I beg to state that the forcible abduction of women for forced service does not take place. If any one is concerned in such oppression he will be punished.

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Translation of Durbar yad, No. 1560, dated 4th September 1874.

I HAVE received the Residency yads, Nos. 1532C.10, 1533C.11,‡ and 1534C.12, dated 17th ‡ Pp. 32, 33.
August 1874.

With reference to these I beg to state. In yad No. 1532C. 10 the opinion of the Viceroy and Governor-General as regards the relatives and dependants of the late Gaekwar is given, which will be taken into consideration and attended to.

In yad No. 1533C.11 it is stated that proper provisions should be made for the near relatives of the Gaekwar, and if any of the ladies wish to live out of Baroda, they should be allowed to do so after an allowance is made to them with the approval of the Bombay Government. With respect to this I beg to state that I quoted the decision of the Bombay Government about not interfering with the Gaekwar's family affairs in my yad No. 117 of 1874, and fully trust that the British Government will not interfere with the Gaekwar's family affairs. The arrangements for the near relatives of this Government are made according to their merits; Rukmabai's case is known to you, and according to yad No. 1346 of 1874 sent (to the Residency) arrangements have been proposed for her in accordance with the advice of the Governor-General, and have been communicated to you orally.

In yad No. 1534C.12 it is stated that a proclamation should be issued prohibiting corporal punishment of women and their oppression either in this or in any other way, in prison, coults, or by Police officers, and that whoever does so would be punished.

A proclamation to this effect will be issued and a copy sent to you.

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No. 1731C.13, dated 16th September 1874.

From RESIDENT, BARODA, to His Highness the GAEKWAR.

REFERRING to the proceedings of the Baroda Commission as marginally quoted, and to the khureeta of His Excellency the Viceroy and Governor-General, dated 25th July last, to Your Highness' address, I am desired by Government authoritatively to advise Your Highness not to levy any accession nuzzerana where there is a fixed land assessment.

1. Paragraph 8, group No. 3, of the Commission Report.
2. Appendix A. Grievances of the agricultural classes.

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No. 1732C.14, dated Baroda, 16th September 1874.

From RESIDENT, BARODA, to His Highness the GAEKWAR.

REFERRING to the proceedings of the Baroda Commission marginally quoted, and to the khureeta of His Excellency the Viceroy and Governor-General, dated 25th July last to Your Highness' address, I am desired by Government to bring under Your Highness' consideration the case of the Bijapoor Thakoors, and advise that Your Highness may be pleased to cause a fixed arrangement of the ghasdhana claim to be made for a period of years not less than 10, taking into consideration the opinions expressed by the Commission. I shall be glad to afford any help that I am able to do in this matter.

Paragraph 8, group No. 2, of the Commission Report.
Appendix A., Cases 2, Schedule II.
" G. " "

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Translation of Durbar yad, No. 1656, dated 21st September 1874.

RESIDENCY yad No. 1732C.14, dated 16th September, stating that the ghasdhana due from the Bijapoor Thakoors should be fixed to a certain period not less than 10 years. But the cess due from them is jummabundee and not ghasdhana; the mttter will however receive due consideration, and any aid required from you will be received with pleasure.

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Translation of Durbar yad, No. 1668, dated 23rd September 1874.

AS stated in our yad No. 1460,* dated 17th August 1874, we have prepared and issued a proclamation, two copies of which are herewith sent.

* P. 11.

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No. 1795C.15, dated Baroda, 24th September 1874.

From RESIDENT, BARODA, to His Highness the GAEKWAR.

THE next subject to which I am instructed to invite Your Highness' serious attention for settlement according to equity and reason in connection with the khureeta of His Excellency the Viceroy and Governor-General, dated 25th July last, and the proceedings of the Baroda Commission, is that of the grievances of certain State and other bankers at Baroda, of certain jewellers and traders of Ahmedabad, and other places trading with Baroda, as set forth in paragraph 8, groups 8, 18, and 20; and cases 37, 57, 58, 61, and 62 of Schedule II., and cases 1, 2, 3, 4, and 7 of Schedule III. of the Commission Report.

His Excellency the Viceroy and Governor-General is of opinion that Your Highness would do well to put a stop to proceedings, such as those taken towards respectable bankers and trading firms, which are described by the Commission as discreditable and spoliatory, arbitrary, and unjust.

I take this opportunity of bringing to Your Highness' notice that representations have recently been received from the firms of Hurree Bhugtee, Chuni Lall Pitambur, Lowjee Oomed, Moti Lall Samul, Amtha Runchord, Rutunjee Khandass, and Banabai Lalbhai, which with other cases of this class will form the subject of negotiation prior to authoritative advice being ultimately offered regarding them should such appear necessary.

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Translation of Durbar yad No. 1691, dated 27th September 1874.

RESIDENCY yad No. 1731C.13, dated 16th September 1874, about the non-levy of accession tax wherever there is a fixed assessment, has been received. In reply we beg to state that the advice given will receive attention.

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No. 331–1139, dated Baroda, 16th October 1874.

From RESIDENT, BARODA, to SECRETARY to GOVERNMENT of BOMBAY.

REFERRING to my telegram of this date to the address of the Private Secretary to His Excellency the Governor, I have the honour to report the circumstances therein referred to as follows:—

2. Government will remember that since May last I have frequently adverted to the caste complications and differences which have arisen between His Highness the Gaekwar and certain Mahratta Sirdars, Silladars, and Mankurees in consequence of his marriage with Luxmeebaee, and the consequent introduction into Baroda of her reputed step-father, Rukhmajee, and other persons, all of whom are held by the heads of the caste not to belong to it.

3. It appears in the instance under report that a Sirdar, by name Chander Rao Kudu, was accused by the said Rukhmajee of having stated that on a

recent occasion the sweetmeats, provided at a dinner party at Rukhmajee's, had been brought from the bazaar by a woman of the Mussulman caste.

4. The Maharaja, it appears, took this up warmly; and, according to custom, the Sirdar was summoned to appear before the Senaputtee to answer the charge, which he did; and after due enquiry he was allowed to return to his home. This occurred on the 14th instant, and I have been informed that on the afternoon of that day, in consequence of private information received that he was to be put in irons and carried off to jail, the Sirdar concealed himself during the whole of yesterday, when a strong body of Police and karkoons were in search of him.

5. This morning, however, he appeared in public in the house of a Sirdar, named Nana Sahib Powar attended by about 100 Silladars, Mankurees, &c., and an endeavour was made by the Police to arrest him, which the assembled Sirdars, Silladars, &c., told them would be resisted, because the affair was not a criminal one but a caste or religious dispute, which did not come within the jurisdiction of the Fouzdar, and that by Mahratta law and custom all persons, including the Maharaja himself, were equally subject to caste rules in such cases.

6. About 1 p.m. Mr. Dadabhai came to the Residency, and having related the circumstances set forth in the preceding paragraph, informed me that the procedure determined upon by His Highness was to try Sirdar Chanderrao Kudu by the Sir Fouzdar, Mr. Hormusjee Wadia, on a criminal charge of defaming [redacted]jee, and if guilty, to punish him accordingly, and under the circumstances set forth, Mr. Dadabhai asked me to interfere with my authority to enforce the Durbar's procedure.

7. I replied that I did not see how I could properly interfere in the present stage of the case, that since May last caste disputes have been rife between His Highness and the Mahratta Sirdars, Silladars, and Mankurees in consequence of their having refused on religious grounds to eat with the complainant, Rukhmajee. I, moreover, explained to Mr. Dadabhai that according to my present information I could not consider the Sirdar Kudu's alleged offence, as stated in paragraph 3 above, to be a criminal one; that offences committed by the Sirdars are disposed of in the Senaputtee's Kutcherry, not in the Fouzdaree; and that if a caste offence had been committed, it appeared to me to be capable of adjustment by the Sirdar tendering an apology or making amends in such manner as the custom of the caste dictated. I added that my advice to His Highness was not to push matters to extremity, but to assure the Silladars, &c., that the case would be settled as caste disputes generally are, and that if thus relieved from the fear of criminal proceedings, they would probably disperse and give no further trouble.

8. I assured Mr. Dadabhai that I was quite willing to assist the Maharaja in all matters in which I felt I could do so with propriety; but that as I could not regard the Sirdar Kudu's alleged offence, as described to me, to be a criminal one, I could not interfere in the manner and on the basis proposed by him.

9. I am bound to say in conclusion that I do not believe the case to be a *bonâ fide* one, but that it is merely a continuation of the efforts that have been already made, as reported to Government, to involve certain Mahratta Sirdars in ruin, owing to their having refused to break caste by eating with Luxmeebai's relatives.

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No. 333–1148, dated Baroda, 17th October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter, No. 331–1139* of 1874, dated yesterday, I have the honour to report that Mr. Dadabhai Nowrojee told me this morning that orders had been issued yesterday evening to suspend all further proceedings against the Sirdar Kudu. I asked him whether he had requested Kudu to tender an apology for the alleged offence, but he said that he had not. I was led to conclude, however, that the case was at an end, and up to the time of my writing this report (3 o'clock p.m.) I have heard nothing further from the Durbar on the subject. * P. 12.

2. I have learnt privately, however, from a reliable source that no communication was yesterday made to the assembled Sirdars and Silledars as recommended

in paragraph 7 of my report of that date; and consequently that at the time of Mr. Dadabhai's visit to the Residency this morning the whole of the Silledars, &c., were still assembled at Sirdar Kudu's house, where they had remained all night. It is said, however, to have been intimated to them this morning that Mr. Dadabhai himself would go to speak to them in the course of to-day. The danger of such dilatoriness needs no comment.

3. I have frequently during the last year or so brought to the notice of Government the serious results that may at any moment ensue from the Sirdars and other Military classes of the State being in arrears of pay for upwards of three years; and I have been informed that the danger of an *emeuté* has lately been heightened in consequence of the three Regular Native Infantry Regiments, &c., of the Gaekwar's household Brigade being also four months in arrears, which I am informed has never before happened since they were raised, and that consequently they too have now become nearly as discontented as the Sirdars, Silledars, &c., above referred to.

4. I desire to bring to the prominent notice of Government that the Sirdars, Silledars, &c., are overwhelmed with debts which have been accumulating for the last century, and for which the Durbar is in a great measure responsible; and that instead of paying their arrears the Durbar has ordered the Bankers not only to refrain from making any advances to them, but to file suits against them, consequently being without the means of obtaining either credit or their just arrears of pay, they and their families and followers are thrown into circumstances of absolute want, from which I am satisfied the Gaekwar will never relieve them, unless under the pressure of authoritative advice from us.

5. Added to all this, the Durbar in its final statement before the Commission on this class of cases has alluded to the "necessity of a reduction in numbers of this "as well as other departments of the State service, consequently on a probable "decrease of the revenue from the proposed revision and lowering of the land "assessment."

6. Moreover, notwithstanding the present state of debt and arrears in which the whole mass is at present involved, a circular was issued on the 7th instant by the Maharaja to the effect that in order to reduce State expenditure from the current year onwards, no less than 25 per cent. will be deducted from the pay and allowances of Pagadars, Silledars, Seebundy, and other Karkhanedars, subordinate to the Native Commander-in-Chief (Senaputtee).

7. Thus from the two preceding paragraphs it is seen that reduction in the number of Sirdars, Silledars, &c., in the first instance, and an excessive reduction of pay in the next, have been carefully provided for by the Durbar, without any just or equitable provision whatever having as yet been made for either their debts, their arrears, or just grievances on loss of service.

8. I would respectfully submit that instead of the unreasonable reductions contemplated by the Durbar being primarily carried out as apparently intended, the grave questions of their debts, their arrears, their just grievances, and their claims to compensation, gratuity, or pension, as the case may be, should first be considered and settled agreeably to the terms set forth in my yad to the Durbar, No. 1502C.7,* dated 12th August 1874.

* P. 26.

9. Agreeably to the orders of Government, I have nearly every day for the last seven weeks carried on negotiations with Mr. Dadabhai about Sirdars' cases in addition to other work, and their agents attend at my office daily in connection therewith. Mr. Dadabhai himself appears willing enough to settle some of them, but the Maharaja, though professing to acquiesce in his proposals, has not as yet allowed an actual payment to be made. In fact, I regret to say that His Highness is still surrounded by certain bad characters, who support him in his revengeful feelings towards this class.

10. When writing to Government about the Contingent in my letter No. 246–843, dated 10th August last, I in the last paragraph particularly referred to the Military classes and copied in full my final statement regarding them, dated 1st January 1874, in order to call to remembrance the increasing danger of allowing such a large number of troops to fall into arrears of pay for so long a period; and I need scarcely say that the present state of affairs cannot last much longer without a breach of the peace taking place, the responsibility for which will, I submit, rest solely on His Highness the Gaekwar, agreeably to the terms of His Excellency the Viceroy and Governor-General's khureeta dated 25th July last.

11. I will address you further on this subject as soon as I have fully considered what to recommend under the circumstances, and in the meantime do not delay this letter owing to the emergent importance of the question at issue.

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Telegram, dated 18th October 1874.

From RESIDENT, BARODA, to POLITICAL SECRETARY, BOMBAY.

THE caste dispute reported on 16th instant still going on. About 500 men are said to be assembled at Sirdar Kudu's house, but are quiet. I posted explanatory report this morning in continuation of my No. 331–1139,* 16th instant. Dussera procession on Tuesday, and unless Durbar takes proper measures at once to settle dispute, I do not think it would be prudent for our troops to go to city to pay the usual honours to Gaekwar. No communication received from Durbar about continuance of dispute, which is improper.

* P. 12.

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Telegram, dated 19th October 1874.

From POLITICAL SECRETARY, BOMBAY, to RESIDENT, BARODA.

YOUR telegram of last night and letter 16th instant.

Require Durbar to submit forthwith written statement of charge against Sirdar Kudu, and of the manner in which they propose to proceed against him; also of the present bearing of the Sirdars and their adherents, and amount and character of assistance solicited from you.

If you anticipate disturbance at Dussera, intimate to Durbar that you are authorized to withhold troops from taking their usual part in ceremonies, and to hold them in readiness in case their interference is required for maintenance of order.

Suggest to Durbar propriety of placing the accused Sirdar under your temporary protection, with a view to such enquiry on action being taken on the case after the Dussera as may be considered proper.

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Telegram, dated 19th October 1874.

From RESIDENT, BARODA, to POLITICAL SECRETARY, BOMBAY, Poona.

YOUR telegram of this day. Had an interview with His Highness and Minister this morning. Both assured me that criminal proceedings against Sirdar Kudu had been abandoned on 16th instant. But it appears doubtful whether any communication to that effect was made to the Sirdar. They promised to arrange matters during to-day, and I will report the result of their proceedings which are now in progress.

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Telegram, dated 20th October 1874.

From RESIDENT, BARODA, to PRIVATE SECRETARY, Guneshkhind.

SIRDARS, &c., have dispersed. There being no fear of disturbance, the usual Dussera ceremonies will proceed to-day. Report by post.

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No. 343–1168, dated Baroda, 20th October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN the last paragraph of my letter No. 333–1148,† dated 17th instant, I promised to submit to Government certain specific proposals regarding what I consider to be the most important class of cases now pending. In order, however, that Government may be in possession of all that has passed, I append copy of my yad to the Durbar of last evening, No. 1965, together with their reply and my rejoinder as per margin.

† P. 13.

Durbar yad, No. 1867, dated 19th October 1874.
Residency yad, No. 1982, dated 20th October 1874.

2. I am respectfully of opinion that the complexion which this important class of cases has now assumed renders it imperative in the interests of the peace and tranquillity of the country that some immediate action should be taken by Government and authoritative advice tendered to the Durbar.

3. The main points to which I would first invite attention are—

1st.—That the Sirdars, Silledars, Mankurees, Sindees, Arabs, &c., adverted to in the Commission Report, are at the present time in circumstances of absolute want, and quite independent of the settlement of the cases, require advances to be made to them at once in order to preserve themselves and families from starvation.

2ndly.—That, as stated in paragraph 9 of my letter No. 333-1148, dated 17th instant, I have been in constant negotiation with Mr. Dadabhai Nowrojee regarding the settlement of certain of these cases, but that up to the present time not only has not a single case been settled by the Maharaja as agreed upon between his Minister and myself, but, as in the case of Sirdar Kudu, instead of paying him his arrears, a criminal case was got up against him for the purpose, as I believe, of getting rid of him altogether, and of intimidating the remainder.

4. With regard to the first of these points, Government will observe from the copy of my yad No. 1982 to the Durbar of this day's date (annexed) that I have proposed to meet the immediate emergency; that His Highness the Gaekwar should at once and without any further delay advance to all Sirdars, Silledars, &c., and their adherents, who have been deprived of their pay for the last 3½ years and upwards, from four to six months' pay according to circumstances. This measure I believe to be absolutely necessary to avert actual outbreak, and I would therefore earnestly recommend to Government that authoritative advice to this effect be at once tendered by Government. Unless this is done I think it my duty clearly to state that I cannot be responsible for any consequences that may ensue.

5. Next with regard to the enquiry into and settlement of these cases, I would respectfully invite attention to the following points:—

1st.—That every single individual whose case is under jurisdiction is deeply involved in debt to Baroda Bankers and others, which debts have been caused by a variety of circumstances, but chiefly by the arbitrary and capricious manner in which their pay and allowances have from time to time been reduced or stopped altogether by the present Maharaja and his predecessors.

2ndly.—That any settlement which may be made must provide some means for the liquidation of these debts in proportion to the responsibilities—

(*a.*) Of the Sirdar or Silledar himself.
(*b.*) Of the head of the Baroda State.
(*c.*) Of the Banker who has probably been willing enough to advance money at usurious interest.

3rdly.—That if loss of service and consequent reduction in the number of these hereditary servants is, under present circumstances, to be the basis of settlement of any of these cases, utter ruin must be the result to the individual concerned and the whole of his family and following.

6. It will thus be observed that this last point constitutes the main difficulty in the settlement of these cases. The Durbar have already intimated to the Commission their intention to reduce the number of this class ostensibly for the purposes of economy, but practically speaking no economy either has been or will be effected, because, as a general rule, new favourites are usually substituted for old and hereditary families.

7. Were it not for the accumulation of debt and the proposed reduction, the settlement of these cases might be effected without the least difficulty, except for the personal animosity and revengeful feelings entertained towards the class by His Highness the Gaekwar. I have myself during the last seven weeks prepared what I believe to be fair settlements of several of the most important of these cases for the purpose of negotiation with His Highness' Minister.

8. The principles which have guided me in these negotiations are shown in the statement which I drew up and showed to Mr. Dadabhai as forming the basis upon which I should advise Government to act in any cases that we might not be able to arrange amicably.

9. I have also prepared notes of about 20 of these cases, and have given them to Mr. Dadabhai at his special request, in order to assist him in procuring a settlement of them from the Maharaja, which in several instances he has professed

to do, without however any actual results except verbal promises which hitherto have not been carried out.

10. It will thus be seen that I have from the commencement cordially given to Mr. Dadabhai every assistance in my power, in fact I may confidently say that but for my assistance, he would have been from his utter inexperience in the details of administration utterly unable to have grasped the general principles upon which alone any Statesmanlike settlement of these difficult cases could be effected.

11. Bearing in mind the serious complexion that affairs have now assumed in consequence of the non-settlement of this class of cases, I deem it my duty to express to Government my conviction that no satisfactory settlement of them, including debts and arrears, can possibly be attained, until I am formally empowered to arbitrate and adjudicate in them, subject to the approval of Government, the Durbar having already stated all they had to urge in each before the Commission. In order, however, to enable me to do this effectually, I must be invested with powers to call upon the Durbar to produce from the Sirdars, the Bankers, and State records such evidence as I may require, and until that is done I believe that the Maharaja will merely go on temporizing until a general outbreak takes place.

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No. 1965, dated 19th October 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR.

REFERRING to personal communications which passed between Your Highness' Minister, Mr. Dadabhai Nowrojee, and myself on the 14th, 16th, and 17th instant, relative to the case of Sirdar Chandra Rao Kudu and certain Sirdars, Silledars, &c., associated with him, said to amount in all to about 500 men, also to the further conference which took place this morning on the same subject between your Highness, Mr. Dadabhai, and myself, I should feel obliged by your informing me as soon as possible whether the said Sirdars and Silledars have dispersed and proceeded to their respective homes or not.

Also whether, referring to my yad No. 1502C.7,* dated 12th August 1874, any, and if so, what steps have been taken by Your Highness towards settling the grievances of this class.

* P. 26.

If these men have, as I am informed, decline to disperse up to the hour of despatch of this yad (5.15 p.m.), it will be necessary for me to advise Your Highness to take such immediate measures as may appear to be required to maintain order during the approaching Dussera festival to-morrow.

It will also be my duty, under instructions from Government, to refrain from attending the festival with British troops, unless I am satisfied that such step will be taken by Your Highness Government with regard to the Sirdars, Silledars, &c., in question as will obviate any risk of a disturbance occurring.

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Translation of Durbar yad, No. 1867, dated 19th October 1874.

I HAVE received your yad No. 1965, dated 19th October 1874, stating that certain Sirdars and Silledars had assembled in the matter of Chandra Rao Kudu, &c., &c. With regard to this I have the honour to state that on the return of my Dewan to the palace after having had an interview with you this morning, I, in order that there should be no misunderstanding about my orders, sent the Silledars' Baxee, Seebundy Baxee, and Kamdar of the Hoozrat Paga accompanied by Rajeshree Bala Mungesh Wagle. They in the presence of 60 or 70 people assembled near Chandra Rao Kudu's house, told the latter that "your case has been brought to a close, no pro-"ceedings will be taken against you. In connection with the joy arising from the birth of a "son to His Highness, he has abandoned this business and brought it to a conclusion. No one "should therefore be anxious about it, and all should return to their respective homes." The pith of what the people assembled said was this—"All of us have some other grievances; unless "all these are settled we would not go from here." This was reported to me by Rajeshree Bala Mungesh Wagle, whom I sent again to ascertain what their complaints were. He and the people spoke to each other, and they finally said—"We would attend to-morrow's procession (sowarree) as usual,* there will be no obstruction in that. To-day the whole of our people "Mandlee") are not here, and therefore we cannot give a reply to-day. After giving "sona" (leaves distributed in Dussera) they would think over the matter on Thursday and give a reply, and until our complaints are settled ("khoolasa hoi") we would not return to our respective homes. People coming to to-morrow's sowarree according to custom will not be hindered by us. General particulars in reply to the above yad will be hereafter communicated.

* Or as in former years (Thursha Penmanay.)

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No. 1982, dated 20th October 1874.

From Resident at Baroda, to His Highness the Gaekwar of Baroda.

With reference to Your Highness' yad, No. 1867 of yesterday's date, received last night, and also adverting to the oral communications made to me yesterday evening by your Highness' Minister and Mr. Bala Mungesh, after the latter had visited the Sirdars, Silledars, &c., at Sirdar Kudu's house, I have reason to believe that there is no fear of the peace being disturbed at the Dussera procession to day, and therefore the British troops, &c., will attend to accord the military honours to Your Highness customary on the occasion.

With reference to the desire which the Sirdars, &c., expressed to Mr. Bala Mungesh to assemble together again on Thursday next, the 22nd instant, for the purpose of representing their grievances generally, I would recommend for Your Highness' consideration that it should be notified to them that a fair hearing of what they have to state will be accorded to them on some early date that may be named, and as absolute want arising from excessive arrears of pay appears to be their most pressing grievance, as communicated by me personally to Your Highness yesterday, I would suggest for your consideration that pending the final settlement of each man's case, which will take time, advances on account of their arrears varying from four to six months, according to circumstances, may be granted to them. Thus their immediate wants will be relieved and the inquiry into, and settlement of, their just claims will proceed without fear of further demonstration of the dangerous kind that has been going on for the last four or five days.

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No. 350–1196, dated Baroda Residency, 27th October 1874.

From Resident at Baroda, to Secretary to the Government of Bombay.

In forwarding, for the information of Government, copies of my yad No. 1986 of this date and accompaniment, I have the honour to bring to notice that the action of His Highness regarding these Sindhees who with the Arabs are fast getting beyond the control of their Sirdars and Jemadars, and may at any moment burst forth into open rebellion, appears to me to be most unjust and mischievous.

2. On the Sind Frontier we have reclaimed thousands of the same class of people by taking great pains to provide land for them, encouraging them to cultivate and follow peaceable occupations; and although the Sirdars of these men have spontaneously initiated the system in Baroda territory, yet it will be seen from the accompaniments to this letter that the Durbar, instead of supporting and encouraging it, is doing all in its power to drive this ignorant but warlike race to desperation.

3. The Sindhees and Arabs in the Baroda State are the least under control, and more likely than any others of the military classes to attempt to obtain their just rights by rebellion.

4. I need scarcely say that the system of populating the large extent of unoccupied and waste lands which now exists on the Baroda State by the superfluous military element in the service is one, which if rightly applied, would soon prove to be of the greatest benefit to the Baroda State, and provide a remedy for the gross injustice and consequent danger of turning large numbers of old and faithful soldiers adrift without compensation, gratuity, or pension.

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No. 1986, dated 20th October 1874.

From Resident at Baroda, to His Highness the Gaekwar of Baroda.

Referring to my yad* No. 2693, dated 8th November last year, and to the recent ebullition of discontent amongst the military classes of the State, I beg to bring specially to Your Highness' notice the accompanying petition received this day from a number of Sindhees, the adherents of Sirdars, &c., some of whom for some years past taken to cultivation in Your Highness' mehals in order to obtain a livelihood.

* Copy appended with Durbar reply.

Instead of such a desirable mode of providing for superfluous military retainers being encouraged, as it ought to be, it appears from the petition of these poor people that the very reverse is the case. I request, therefore, that Your Highness will at once order that substantial justice be done in this case, which has been so strongly incalculated by His Excellency the Viceroy and Governor-General in his khureeta of the 25th July last.

Now that the peace of the country is endangered on all sides, I must beg seriously to press upon Your Highness' notice that nothing short of an immediate performance of the promises which you have from time to time made to Government during the last year and upwards will satisfy His Excellency the Viceroy and Governor-General that there is any meaning or reality in those promises.

P.S.—Copy of petition of Sindhees forwarding to Durbar on the day of the Dussera 1874.

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Petition, dated October 1874.=Also Sud St. 1921.

From SINDHEE GUJA MITHOO MEEA, and 19 others, to RESIDENT at BARODA.

THE petition of the undersigned Sindhees of the Gaekwar Government residing in the villages of the Baroda Attursoomba Khyraloo Pergunnahs. Our officer, Shah Mahomed bin Radhunmeea's ancestor, the late Hamed Jemadar, entered the service of the Gaekwar Government in about Sumbut 1821, or A.D. 1764. Since that time Hamed Jemadar and his descendants, Ameen Saheb, &c., brought our ancestors from our own country, Sind, and introduced them into the service of the Gaekwar Government, as useful to fight and conquer territories for them, and as our Jemadar obtained Wuttuns, &c., from the Gaekwar Government, who considered them as their children, so finding us useful in the conquest of countries, some of our ancestors obtained monthly emoluments and appointments, and others landed property, thus leaving our own country we settled in this strange land, and we were taken care of by the Gaekwar Government as arranged by our Jemadars. Since our settlement here we acquired landed property by purchase and mortgage, and continued enjoying them without obstruction.

In the reign of the late Khunderao Maharaj they commenced forcibly levying from us Inam Committee and other cesses, but on our representing the matter to Government these cesses were not collected.

NOTE.—The petitioners produced what purports to be a formal order of the late Maharaja expressly exempting the land held by them on the Barada pergunnah from the payment of new cess.

(Sd.) R. P.

Meanwhile Mulhar Rao Maharaj ascended the throne, and a rumour was circulated that the Inam Committee fee was abolished, which pleased the people very much. Subsequently Khanvelker, the brother-in-law of the Maharaja, became Minister, and the Inam Committee and other new cesses were ordered to be levied; and the Wahivutdars commenced pressing us for the payment of these cesses. Finally, our Jemadar Radhunmeea was adopted by Shah Mohmed with the sanction of the Gaekwar Government, and the management was conducted by him, although no emoluments were paid, and many of us too did not receive our proper emoluments, which inconvenienced us very much in our expenses. We several times petitioned Government to make proper arrangements, but obtained no redress; we were thus distressed in every way, and therefore reported the matter to you; before the Commission our Jemadar represented all our grievances, and petitioned the Bombay and India Governments, but nothing has been arranged. After this Dadabhai was appointed Minister in the place of Khanvelker, who was made Pritinidhi; and we petitioned Dadabhai personally for redress, but did not attain it. Meanwhile the Wahivutdars continued pressing us for the payment of the new cesses, so we reported the matter, but obtained no reply. Our helplessness increased daily; at last we sent a registered petition by post on the 2nd of Bhadursud Wud Sumbut 1931, and enclosed one anna postage stamp for a reply, but up to this no arrangement has been made, neither have we received a reply. If we poor people go to the house of the Minister Dadabhai, we find him secluded, and with great difficulty get the sepoys to convey our message and receive a reply to come to the Palace. Very often our message even is not conveyed; thus although we go there we very seldom get a reply. If we go to the Palace, we, sepoys, cannot effect an entrance owing to our arms; but should we finally succeed in getting into the Palace we find the Dewan engaged on important business of the State, and he does not think of the case of us poor people, neither do we receive a written reply. If we wish to complain orally we cannot get in owing to the large gathering in the Durbar; and if we wish to speak we cannot do so, because people are warned that they are not to speak until they are called. It is therefore difficult to see the Dewan in the Palace, and the Dewan himself does not send for us, because we are poor and our complaint is trifling; and for want of funds we are unable to engage a Vakeel to plead our cause; for these reasons we cannot obtain redress from the Durbar. If we send reports they are never heard of; we cannot even find out where they go to. Our last registered report has not as yet been replied to. We therefore now beg to state that we have already petitioned you once before, and being quite helpless, petition you again.* You will kindly take our case into consideration, and arrange that we may without obstruction receive our usual emoluments, and that we may not be harassed with new cesses on our land. Our ancestors acquired these our Wuttuns by shedding blood, and we are deterred from enjoying them owing to the obstructions complained of above; those obstructions are not removed, and no arrangements to continue our rights to us are made; but we hear that a reduction of 25 per cent. in the emoluments has been ordered by Government. As shown above, we are quite destitute for want of food and clothing, and have contracted hundreds of rupees debt, and if the above order about reduction is brought into force, ourselves, our wives, and children will have to die. We request, therefore, that you will take all these circumstances into consideration and make early arrangements for us. At present our crops are standing in the fields, and the time for reaping has arrived; if we attempt to reap them the Wahivutdar prevents us from doing so, and places Mohsals for the collection of new cesses named above. The crops standing in the fields are partly destroyed by birds and animals.

* NOTE.—They have always been referred to the Durbar up to the present time when the matter has become serious.

(Sd.) R. P.

NOTE.—The same complaint is general everywhere.

(Sd.) R. P.

These oppressions annoy us, and the state of the crops ready for harvest is as stated above. Some have sublet their lands to those that have no land of their own, they too are obstructed, this leaves us entirely destitute. Strict arrangements should therefore be made to put a stop to Mohsals, and to allow us to reap our crops. Owing to the reductton of 25 per cent. ordered, the Sowcars do not trust us. We have petitioned the Bombay Government on the same object, copy of which, as also the copy of our petition to the Calcutta Government, is hereto appended for your information. If you take the circumstances of this petition into consideration, and make proper arrangements for us it is well, otherwise each day will add to our hardships. Arrangements should therefore be made within eight days, and a reply given to us. One anna postage stamp is enclosed for a reply.

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## B.—Letters forwarded to the Government of India under their orders,* on November 19th, 1874.

* P. 77.

No. 21P., dated Bombay Castle, 31st July 1874 (Confidential).

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

I AM directed to forward to you a khureeta, of which copy is enclosed for your information, from His Excellency the Viceroy to His Highness the Gaekwar on the subject of the Report of the Baroda Commission, and I am to request that you will place it as soon as possible in the hands of His Highness without comment of any kind. Should the Gaekwar make any reply, it should in like manner be acknowledged with an intimation that it will be forwarded to Government.

You will shortly receive full instructions as to the steps which it will be your duty to take in connection with this matter.

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No. 22P., dated 6th August 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

IN connection with the khureeta from His Excellency the Viceroy to His Highness the Gaekwar, already forwarded to you with my letter No. 21P. of 31st July, I am now directed to communicate for your guidance a copy of letter No. 1586, of 25th ultimo, from the Government of India, and to add the following instructions from His Excellency the Governor in Council.

2. From the 8th and following paragraphs of the letter of the Government of India you will perceive that you are directed to offer authoritative advice to the Gaekwar on the points dealt with in the recommendations of the Commission, the most important of which are set forth by the Government of India. These points are recapitulated in this letter, with subsidiary directions in the margin on the part of His Excellency in Council.

3. Before determining the advice to be offered on each point, His Excellency in Council desires that you will communicate on the subject freely and in a friendly manner with the Gaekwar or his Minister; that you will then reduce the advice to writing in concise language, and submit it for the approval of Government before formally presenting it to the Durbar for adoption. After the advice has been finally settled and given, it will be your duty to note carefully in what way it is acted on, and to warn the Gaekwar in writing, in brief and considerate terms, of each instance of neglect to follow it within a reasonable time, and to furnish Government with a copy of such warning. You should in no instance, unless specially authorised by Government, insist on the advice being followed, but should simply inform the Gaekwar that he is still free to act on his judgment, but that a note has been taken of his inattention to the advice given. In this way alone can the orders of the Government of India, for giving the

Gaekwar a fair trial, be carried out, and moreover no other way is likely to be so effectual in inducing His Highness to adopt the desired reforms.

4. You will doubtless perceive that, by the orders of the Government of India, the choice of the Minister is left entirely with His Highness.

5. I am directed also to observe that a careful moderation and courtesy in your communications with the Gaekwar, whether written or oral, and a scrupulous regard for his dignity, is rendered even more necessary than before by the present situation.

6. The recapitulation of the most important points on which advice is to be given, alluded to above in paragraph 3, will occupy the remainder of this letter.

You should note that this direction points exclusively to the establishment of proper Rules under which the future operations of the Durbar for reducing their military expenditure are to be carried out. If you should be pressed by any of those whom the Commission held to have been unjustly treated, to obtain compensation for them, you will apply for instructions before making any authoritative representation to the Durbar. This will not preclude friendly suggestions for an equitable settlement.

1. *Military reductions.*—The Gaekwar "should "be advised, in consultation with the Resident, to "frame some general rules for adoption in giving "effect to such reductions in future, which will "ensure their being carried out with due considera- "tion to the claims of the parties concerned, and "will prevent the scandal and the risk that must "attend the sudden deprivation without compen- "sation or other provision of any sort of large "numbers of old or hereditary military servants of "the service on which they are wholly dependent "for the means of subsistence."

In tendering this advice you should recognise the admission of the Commission that the demands do not appear to have been excessive, and that what is to be chiefly desired is a fixed arrangement to last for not less than ten years.

2. "He should be advised to make a settlement of the Ghasdana claims for a period of years."

Before formally advising the issue of the proclamation, you may well explain that the object of preventing this species of sale of office is to introduce the system of paying fair and equitable salaries for the performance of duty, and to suppress extortion on the part of office-holders.

3. To forbid the levy of nuzzerana on appointments, and to issue a proclamation notifying the same, a copy being furnished for the information of Government.

No action should be taken on this by you pending further orders.

4. To take no accession nuzzerana where there is a fixed land settlement.

This will admit of no delay.

5. To prohibit the barbarous processes employed for realizing revenue.

This instruction is of a very important and comprehensive character, and before formally advising it, you should invite an expression of opinion by the Durbar, to be submitted to Government with your own observations.

6. And to remove the cause of such difficulty by a moderate and equitable land settlement, and a faithful adherence to its terms in future, all future exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden.

This advice should be given at once.

7. To exercise the strictest supervision over the subordinate officials, so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them.

The directions in para. 6 will apply to this also.

8. To adopt some equitable mode of dealing with the Wuttuns and Inams, so as to remove all ground for anxiety and discontent among the holders of them.

Advice to this effect should be given at once.

9. To see that punishments awarded for offences bear some reasonable relation to the crimes committed, and be not scandalously excessive, as in some of the cases proved before the Commission.

The instruction should be acted on at once.

10. To put a stop to proceedings such as those taken towards respectable bankers and trading firms, which are described by the Commission as "discreditable and spoliatory," "arbitrary and unjust."

And in this case also.

11. To put a stop to and severely punish any person concerned in the abduction of women for forced service in the Palace, in respect to which the Commission record "that several cases of the "description stated have undoubtedly occurred, in- "volving an abuse of power on the part of the "Maharaja and oppression by certain inferior "Durbar officials and servants, which have brought "a most serious scandal on the personal character "of the Chief himself, and the administration of "which he is the head."

And in this also.

12. To prohibit the infliction of corporal punishment on women, and to issue a proclamation absolutely interdicting under severe penalties the personal ill-treatment in this or any other way of females, whether in Jail or before the Courts, or under examination by the Police, and to forward a copy of the proclamation for the information of Government.

And in this also.

13. The Gaekwar should further be required to desist from the harsh and vindictive treatment of the relatives and dependants of the late Chief, and extend to them the justice and consideration due to their position and services.

This requisition should be made immediate in the case of Rukhmabaee. No communication should be made to the Gaekwar or to the Durbar about any other lady, without previous consultation with Government.

14. He should be required to make suitable provision for all the immediate members of the late Gaekwar's family, and permit the ladies to reside away from Baroda. Their allowances should be fixed with the approval of the Government of Bombay, and they can be paid according to lists to be furnished by the Gaekwar, the money being recovered from the Baroda State.

The Gaekwar should at once be made acquainted with the opinion entertained by the Viceroy of the Ministers named, for the consequence of whose retention in office he will be fully responsible.

15. "It only remains to say that, judging from the information submitted by the Commission, His Excellency in Council cannot hope that the necessary reforms will be effected so long as the Dewan Syajee Rao and some other officials, notably Bulwunt Rao Deo, the Revenue Commissioner Huriba Gaekwar, the Sir Fouzdar Bulwunt Rao Eshwunt, and the Deputy Revenue Commissioner Narayen Bhai, remain in power. His Excellency in Council is therefore of opinion that His Highness would do well to remove these men from office, making for them such provision as His Highness may deem reasonable, and to appoint more suitable persons to fill the offices they hold."

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No. 244-840, dated Baroda, 10th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

See above. I HAVE the honour to acknowledge the receipt of your confidential letter No. 22P., dated 6th instant.

2. This morning His Highness the Gaekwar paid me his usual visit, when I informed him that instructions as to the authoritative advice referred to in His Excellency the Viceroy's khureeta to his address had been received by me, and that I would communicate their tenor to him from time to time as appeared advisable.

3. I then told His Highness of the advice expressed in the accompanying copy* of my yad to his address, and said that the first and most important point of all at the present time was to form an administration of experienced men of known character and ability, who would be able to afford him real aid in settling the

* No. 1480, C. 1.

several subjects which have to be dealt with; and I added that I should be happy to consult orally with him first as to this important point, and after communicating to Government the result of our deliberations, offer him such written advice as the Government might finally approve of.

4. I have thus commenced the routine laid down in paragraph 3 of your letter under reply, and will continue it on each subject separately.

5. His Highness asked me for a copy of my instructions, but I told him that such was not necessary, nor could it be complied with; but I promised that I would quote for his information what was proper in each case.

6. He expressed himself satisfied and Rao Saheb Bapoobhai is to bring up to-day lists of the appointments he wishes to be filled up, and by whom.

7. I told His Highness that the most important departments of his State with which we should have most to do were the Revenue and Police Departments; and after discussing details and getting some insight into the present system in force, of which I am at present wholly ignorant, I will report the result to Government; but until an administration is formed, there will be no real progress. I will therefore take up that point first.

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No. 1480C.1, dated Baroda, 10th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

REFERRING to the latter part of His Excellency the Viceroy and Governor-General's khureeta to Your Highness' address, dated 25th ultimo, in which it is stated that "the Resident will now "convey to you under the instructions I have sent him authoritative advice in regard to several "important matters affecting Your Highness' administration;" moreover "on any occasion on "which Your Highness may consult him, he will freely advise you and give you such help as "he can."

2. I have therefore the honour to forward, for Your Highness' consideration, the following opinion expressed by His Excellency the Viceroy regarding the members of your present administration named below. It is as follows:—

"Judging from the information submitted by the Commission, His Excellency in Council cannot hope that the necessary reforms will be effected so long as the Dewan Syajee Rao and some other officials, notably Bulwunt Rao Deo, the Revenue Commissioner Huriba Gaekwar, the Sir Fouzdar Bulwunt Rao Eshwunt, and the Deputy Revenue Commissioner Narayen Bhai, remain in power. His Excellency in Council is therefore of opinion that His Highness would do well to remove these men from office, making for them such provision as His Highness may deem reasonable, and to appoint more suitable persons to fill the offices they hold."

4. Should Your Highness ask for the services of British officers, European or Native, to assist you in the work of reform, endeavours will be made to meet your wishes, and to furnish Your Highness with the officers you may require, provided the conditions of their employment and the powers to be vested in them are such as Government can approve.

4. I am instructed to inform Your Highness that the choice of Minister is left entirely with Your Highness, and that on this or any other occasion upon which Your Highness may do me the honour to consult me, I shall, according to my instructions, freely communicate with you orally and give you such help as I can; final written advice will be offered in each instance after it has been approved of by His Excellency the Governor of Bombay in Council.

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No. 247–844, dated Baroda, 11th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 244–840, dated yesterday, I have the honour to report that the Maharaja has been consulting me through his Karbharees (and a few days back personally also) about the retention in office of Mr. Dadabhai and his party. His Highness has long wanted to part from Mr. Dadabhai himself, but he fears, as I before reported to Government, his home influence, and that he will give him a bad name. Mr. Dadabhai, I am reliably informed, went so far a day or two ago as to draw up an agreement of 25 articles to the effect that the Maharaja was to make over the Raj to him and his party, in order to effect the reforms specified in His Excellency the Viceroy and Governor-General's khureeta of 25th ultimo. This the Maharaja was dissuaded by the old Karbhárees from doing, but owing to the impression made by Mr. Dadabhai and his followers as to the weight of responsibility which the khureeta throws on His Highness, he is nearly distracted by indecision, notwithstanding the assurances of help which I have given. When consulted I gave my decided opinion that Mr. Dadabhai and his party had not the knowledge, ability, experiences, or weight of character sufficient to carry out the reforms needed in every department of the State; that none of the people from

See above.

the Sirdar downwards had the least confidence in them; and that judging from the fair trial which Mr. Dadabhai has had for the last nine months, and Mr. Kazee Shahabudin for five, together with the results of that trial, I saw no hope of the requisite work being done by them. That I doubted if men of ability and character from British districts would serve under Mr. Dadabhai; and that as regards His Highness' signing an agreement to make over his Riasut to any one whatever except the British Government, I looked upon the very proposal on Mr. Dadabhai's part as an offence against the sovereignty of the paramount power; and that if such a matter were to come officially before me, I should take most serious notice of it.

As might naturally be supposed Mr. Dadabhai and his friends are indignant at my having expressed such an opinion regarding them, but at the present crisis I felt bound in duty to say honestly what I believed to be true, and leave it for the Maharaja to accept or not as might please him.

Several factions are now trying to make capital out of His Highness. The notorious Damodur Punt has brought a man named Ram Bhow, said to have been Karbharee of a small State in Upper India, and he hopes to have him appointed Dewan.

I told His Highness that rather than work should suffer for want of a Dewan, I would lend him my Native Assistant Mr. Munibhai to be joint karbharee with Rao Saheb Bapoobhai, who is really doing the Dewan's work at present; so that in the event of Mr. Dadabhai going, which I hear he threatens to do, unless the Maharaja signs the above-mentioned agreement, the duties of the Dewan would be temporarily provided for more efficiently than they have yet been during the present reign.

Knowing the difficult character of the work that has to be done, independently of the amount of it, I feel sure that unless I can persuade His Highness to introduce some first-rate hardworking men from our districts into the administration, there will be no real progress.

I intimated to His Highness that he had better inform Mr. Dadabhai that I had privately expressed the opinion about not retaining him in power, and that if he came to the Residency I would give the same reasons that I have expressed above, and assure him of my unalterable conviction that he has not the qualification for Minister of a State in the thoroughly disorganized condition that Baroda unfortunately is.

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No. 24P., dated Bombay, 16th August 1874 (Confidential).

From SECRETARY to GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

I AM directed to acknowledge the receipt of your letters noted in the margin, reporting on the course of the negotiations opened by you with His Highness the Gaekwar in consequence of the instructions communicated to you in my confidential despatch No. 225, dated the 6th instant.

See above. No. 244-840. dated 10th August 1874, with yad enclosed.
No. 247-844, dated 11th idem.

2. In reply, I am desired to state that the Government have no objection to offer to the yad which you addressed to the Gaekwar when communicating to him the opinion entertained by His Excellency the Viceroy with respect to certain of His Highness' old Ministers. And they would have been very glad if at this early stage of the negotiations the Gaekwar had been left without further intervention on your part to weigh well the responsibility from which in this matter he could not escape.

3. It is to be gathered from your letter No. 247 of the 11th instant that you had been consulted by the Gaekwar respecting Mr. Dadabhai Nowrojee and his Assistants before you communicated to him the opinion of the Governor-General in Council regarding his old Ministers, and it is therefore greatly to be regretted that you did not observe the entire absence of all notice by the Governor-General of Mr. Dadabhai, from which it was reasonably to be inferred that the Government of India would not object to his continued employment if such should be the choice of the Gaekwar.

4. His Excellency in Council would not of course wish you to advocate such a course if you were conscientiously opposed to it. But the advice which you represent yourself to have given went far beyond what was called for at the time,

and was indeed hardly to be sustained by the facts of the case. You urged that "judging from the fair trial" that had been given to Mr. Dadabhai and Mr. Kazee Shahabudin you saw no hope of the requisite work being done by them. But it cannot with any certainty be stated that they have had a fair trial. So far as the Government are aware the men objected to by the Governor-General in Council have all the time been retained in office, and it cannot be known to what extent the efforts of Mr. Dadabhai and Mr. Kazee's may have been frustrated by them.

5. Mr. Dadabhai Nowrojee himself may be fairly open to the objection of being inexperienced in matters of administration, but a very high opinion is entertained in many quarters of his character and abilities, while certainly in the case of Mr. Kazee Shahabudin there can be no lack of either abilities or experience. The Government therefore while abstaining from expressing the opinion that no better selections could be made, at the same time feel that they cannot take objection to the continued employment of these gentlemen if the Gaekwar should so decide in the free exercise of his choice.

6. In conclusion, I am to impress upon you, especially at the early stage of these negotiations, the extreme importance of your abstaining without previous communication with the Government from giving advice to the Durbar which may go beyond the instructions you may have from time to time received.

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No. 252–852, dated Baroda Residency, 12th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

No. 1482C.2, dated 11th August 1874.
„ 1483C.3, ditto.
„ 1484C.4, ditto.
„ 1485C.5, ditto.
„ 1486C.6, ditto.

IN continuation of my letter No. 247–844,* dated yesterday, I have the honour to forward the five yads marginally noted, which I have sent to His Highness the Gaekwar.

* P. 23.

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No. 1482C.2, dated Baroda, 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

IN continuation of my yad No. 1480C.1, the next subject to which I am to invite Your Highness' early attention for thorough reform is that headed by the Commission group 3, paragraph 8, of their report as "grievances of the agricultural classes in connection with the ill-treatment "and oppression to which they are subject in the collection of the Government land revenue and "other cesses."

His Excellency the Viceroy and Governor-General advises Your Highness to prohibit the barbarous processes employed in your State for realizing the revenue, and as this is a matter of importance which admits of no delay, I am to express the hope that such measures may be adopted as will, in Your Highness' judgment, effect the desired reform in this particular.

Any advice that Your Highness may wish to have regarding the measures to be adopted in this respect, I shall be happy to offer after communicating with you on the subject, and obtaining the approval of the Bombay Government as to the formal advice to be given.

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No. 1483C.3, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

IN continuation of my yad No. 1482C.2, dated 11th instant, the next subject to which I am to invite Your Highness' consideration is "that of a moderate and equitable land settlement and a "faithful adherence to its terms in future, all further exactions of every sort or description "being absolutely interdicted, and the continuance of such oppressive practices on the part of "Durbar officials being strictly forbidden."

This subject being of a very important and comprehensive character, I am instructed to invite a written expression of opinion upon it by the Durbar, which will be submitted to Government before formal advice is given regarding it. In the meantime I shall be happy to communicate with Your Highness freely upon the subject.

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No. 1484C.4, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

IN continuation of my yad No. 1483C.3, the next subject to which I am to invite Your Highness' consideration is "the adoption of some equitable mode of dealing with the wuttuns and

" enams of your State, so as to remove all ground for anxiety and discontent among the holders " of them."

This subject being of a very important and very comprehensive character, I am instructed to invite a written expression of opinion upon it by the Durbar, which will be submitted to Government before formal advice is given regarding it. In the meantime I shall be happy to communicate with Your Highness freely upon the subject.

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No. 1485C.5, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject to which I am to invite your attention in connection with the proceedings of the Baroda Commission and the khureeta of His Excellency the Viceroy and Governor-General, dated 25th ultimo, to Your Highness' address, is " the exercise of the strictest supervision over " the subordinate officials, so as to prevent the horrible practices of torture which were esta- " blished before the Commission, and to severely punish those who may be guilty of them."

As this is a matter of importance which admits of no delay, I am to express the hope that such measures may be adopted as will, in Your Highness' judgment, effect the desired reform in this particular.

Any advice that Your Highness may wish to have regarding the measures to be adopted in this respect, I shall be happy to offer after communicating with you on the subject, and obtaining the approval of the Bombay Government as to the formal advice to be given.

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No. 1486C. 6, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject to which I have to invite Your Highness' attention is, " to arrange that " punishments awarded for offences bear some reasonable relation to the crimes committed, and " be not scandalously excessive as in some of the cases proved before the Commission."

This refers principally to Foujdaree cases, and is capable of arrangement in that Department.

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No. 254–854, dated Baroda Residency, 12th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 252–852, dated 12th instant, I have the honour herewith to forward copies of the two yads I this day sent to His Highness the Gaekwar, Nos. 1502C.7 and 1503C.8.

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No. 1502C.7, dated Baroda, 12th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

REFERRING to those portions of His Excellency the Viceroy and Governor-General's khureeta of the 25th July last, which dwell upon the geographical position of the Baroda State intermixed with British territory, the maintenance of a subsidiary force for the enforcement of Your Highness' legitimate authority, Your Highness' obligations to your subjects of substantial justice being done to them, life and property being protected, and the general welfare of the people and country not being neglected, I am, in continuation of yad No. 1486C.6, to bring under Your Highness' consideration, and for free communication with myself prior to the adoption of final authoritative advice on the part of the British Government, the subject of the grievances of the Sirdars and Military classes of the State as set forth in paragraph 8, group 1, of the Baroda Commission Report, and other parts of those proceedings, *vide* marginal note No. 1 to paragraph 9, and marginal note paragraph 12, &c., &c.

Amongst the general instructions given for my guidance by His Excellency the Viceroy and Governor-General of India is the following, which I think it expedient to bring to Your Highness' notice as applicable not only to this group of cases, but to all the recommendations of the Commission:—

" Irrespective, however, of any request on the part of the Gaekwar for advice, the Resident should call upon His Highness to effect a thorough and lasting reform of his Government in those matters in which the Commission have shown that the administration calls for reform, and urge him to conform to the recommendations made by the Commission."

In addition, moreover, to the subject specified in paragraph 1 above, and with regard to the future, I am to invite Your Highness in consultation with me, to frame such general rules for adoption in giving effect to reduction of Sirdars and Silladars as will insure their being carried out with due consideration to the claims of the parties concerned, and will prevent the scandal and risk that must attend the sudden deprivation, without compensation or other provision of any sort, of large numbers of old or hereditary military servants of the service on which they are wholly dependant for the means of subsistence.

These rules when framed will be submitted to the Bombay Government for approval, after which authoritative advice will be offered to Your Highness regarding them.

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No. 1503C.8, dated Baroda, 12th August 1874.

From RESIDENT at BARODA to His Highness the GAEKWAR of BARODA.

THE next subject upon which I am instructed to invite free communication with a view to authoritative advice being ultimately offered to Your Highness regarding it, is that with the object of preventing the sale of appointments generally in Your Highness' service, of the levy of nuzzerana, and suppressing extortion on the part of office-holders. Your Highness should introduce the system of paying fair salaries for the performance of duty, and issue a proclamation forbidding the levy of nuzzerana on all appointments; copy of such proclamation being furnished for the information of Government.

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No. 258–860, dated Baroda Residency, 13th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 202T.,* dated 1st instant, paragraph 18, and with reference to case No. 3, about the detention of opium belonging to a Rewa Kanta subject, I have the honour to forward translation of Durbar yad No. 1402, dated 10th instant, and to state that, although the opium has at last been returned, no explanation whatever has been offered as to its illegal seizure and detention for so long a time, and I am respectfully of opinion that the complainant is equitably entitled to reasonable compensation for the said injustice.

* This is a general report on the subject of the alleged contraband traffic in opium in Gaekwar territory.

(Sd.) R.P.

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Translation of Durbar yad, No. 1402, dated 10th August 1874.

RESIDENCY yad No. 1335 of 1874, about returning the opium of Jetha Bapoojee which was detained, has been received in reply to our yad No. 1706 of 1874. In reply, we beg to state that the opium has been returned to the petitioner, and his receipt obtained. This is written for your information.

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No. 255–857, dated Baroda, 13th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 247–844,* dated 11th instant, I have the honour to submit that, in a demi-official letter to the address of His Excellency the Governor, dated 5th May last, I spoke of the contingency of Nana Sahib Khanvelker being deprived of the office of Minister, and reverting to his appointment as Sir Soobah. Accordingly after His Excellency the Viceroy and Governor-General's advice regarding certain Durbar officials had been communicated by me to the Gaekwar on the 10th instant, Nana Sahib came to consult me as to his future prospects. I told him that he was the Sir Soobah of the Contingent, and that he would be received by me on all occasions as such. He then asked me whether he could not be acknowledged as Pritinidhi, and I distinctly told him that he could not with the sanction of Government in the face of His Excellency the Viceroy and Governor-General's expressed opinion. He then said that he had no wish to interfere in public matters, but that his duties as Pritinidhi would only be of a ceremonial character at Durbars, and to give him rank. I distinctly told him that his request was impossible with the consent of Government, and that he must be content to remain as Sir Soobah. Before leaving he expressed his intention of living the greater part of the year at the several Contingent head-quarters of Deesa, Manekwarra, and Sadra. I replied that the plan was a good one.

* P. 23.

2. Next day (11th instant) the several persons recommended to be removed from their appointments ceased to perform their usual functions, and the negotiations went on with Mr. Dadabhai and his party, the result of their consultations being that last night the Maharaja resolved to retain Mr. Dadabhai as Dewan, but sent Rao Sahib Bapoobhai to me to press me in regard to Nana Sahib's appointment as Pritinidhi. Bapoobhai said that as yet the usual *poshack*, or dress of honour, had not been conferred on Nana Sahib, because His Highness had been waiting for a recognition of his appointment by the British Govern-

ment. He added that the Maharaja had been on the eve of granting him the *poshack* at 4 P.M. yesterday at Mr. Dadabhai's suggestion I presume, independently of me; but that Bapoobhai had stopped the ceremony pending another reference to me. I again repeated that the act of promoting Nana Sahib to a higher office than that from which he had been displaced on the advice of His Excellency the Viceroy and Governor-General, which they professed to respect and obey, would be a direct mark of disrespect to His Excellency the Viceroy, and that it would be regarded as such. Bapoobhai then argued that the Maharaja was left to do as he pleased, and why this restriction about the appointment of Pritinidhi? I replied that the Maharaja might do as he pleased, but that if he did this, as contemplated, I should write a yad to the effect that I considered it to have a nullifying effect upon His Excellency the Viceroy's advice, and that I should according to my instructions "not *insist* upon my advice being fol- "lowed, but that I should simply inform His Highness that he is still free to "act on his judgment, but that a note has been taken of his inattention to the "advice given." Bapoobhai then asked me why I could not allow the installation and appointment *privately*, and communicate *privately* about it with Government at some future date. I replied that I had only one course to pursue, that whether privately or publicly conducted the act would be one of distinct disrespect to His Excellency the Viceroy and Governor-General, and therefore that I would have nothing whatever to do with it.

3. This morning on His Highness paying me his usual visit with Rao Sahib Bapoobhai he resumed the matter, and pleaded precisely as he did at this time last year, viz., that "Nana Sahib was his "relative, and that his dishonour was his "own," &c., and entreated me to recognize Nana Sahib as Pritinidhi privately, that his duties would be merely ceremonial at Durbars, and nothing else, and that it was only to save his honour in the sight of the people that he made the request. He said that Bapoobhai would speak to me privately about it, but I replied that the thing was impossible in the face of the advice I had been ordered to give him. Moreover, I reminded His Highness that a Pritinidhi was to all intents and purposes the deputy of the sovereign, and in his absence from any cause would become Regent by virtue of his office.

4. After His Highness left, Bapoobhai and Govindrao Mama repeated the same arguments as before, and I told them that it was no use for them to write yads ostensibly consenting to the advice offered, whilst secretly they were doing all in their power to nullify and thwart that advice. That if this was the kind of reform His Highness was going to carry out under Mr. Dadabhai's administration, it could only end in one result, and that very shortly. They said that the Maharaja did not wish to retain Mr. Dadabhai, and that if the British Government would advise him to that effect he would dismiss him. I replied that the orders of His Excellency the Viceroy were distinctly that His Highness was to choose his own Minister, and that the choice accordingly must rest with him; that I had openly given him my opinion of Mr. Dadabhai when asked, coupled with a repetition of the above order, and, therefore, that as the Maharaja had distinctly asked to be allowed to appoint his own Minister, his request had been granted. I, moreover, pointed out that when I gave this opinion of Mr. Dadabhai, I showed how the Government could be carried on provisionally pending the selection by His Highness of an able man, but that my advice had been rejected, and there the matter must rest.

5. Every one, including the Maharaja himself, and excepting only the Dadabhai party, acknowledge that in the offer I made of lending them my Assistant to act as a kharbharee jointly with their own Durbar, I consulted their real interests and opened the way for a satisfactory solution of the many heavy cases on hand, at the risk of considerable inconvenience to myself; and at last Bapoobhai himself remarked that everything appeared to have been turned upside down, that he, who was recommended by the Commission, has been rejected, and that Nana Sahib who has been rejected was to have promotion.

6. I have not received the official yad yet regarding the arrangements for the proposed administration, but when I do, it shall be forwarded with my remarks.

No. 259–863, dated Baroda, 14th August 1874.

From Resident at Baroda, to Secretary to Government of Bombay, Political Department.

In continuation of my letter No. 255–857, dated yesterday, I have the honour to forward, for the information of Government, Durbar reply No. 1434 of this date to my yad No. 1480C.1.,* copy of which is already with Government. * P. 23.

2. It will be observed that under Mr. Dadabhai Nowrojee's advice His Highness has not commenced the fulfilment of his promises of reform well, he in the first instance having addressed me in terms never before used towards the Resident; and in the next having plainly shown that he does not wish me to give him any advice by saying that when it is wanted it will be asked for.

3. The first of these manœuvres is meant to express their indignation at my having withstood their unreasonable request in regard to Nana Sahib's appointment of Pritinidhi. The second is put forward in order as far as possible to prevent my seeing real reforms carried out and the orders of Government respected.

4. I knew beforehand, from information received, that every effort would be put forward to avoid receiving any advice from me at all, hence I was not unprepared for the announcement made in the last paragraph of the Durbar yad, No. 1434 of this date, and therefore in most of the yads sent to the Durbar on the subject of Government letter No. 22P.,† dated 6th instant, and especially in † P. 20.
my yad No. 1502C.7,‡ I was careful to explain what my intentions were regarding ‡ P. 26.
my own advice as Resident, as distinct from the authoritative advice of Government; in some cases ordered to be given at once, and in other after consultation with me.

5. I have explained this distinction orally to His Highness, as well as his Karbharees, on several occasions, therefore I entertain no doubt that the announcement made at the end of the yad herewith forwarded is intended to thwart my efforts as far as possible, and unless corrected at once it could not fail in course of time to nullify the *bonâ fide* intentions of Government altogether.

6. The original yad to which I object, as well as a translation of it, together with my reply, accompany this letter for the information of Government.

7. In order, moreover, to show how unsatisfactory the state of affairs still is at Baroda, I beg to state that even yesterday evening an occurrence took place in the open street in the city which has created a great scandal; and in which the Maharaja himself, Nana Sahib, and the notorious Damoodur Punt were engaged. Rao Sahib Bapoobhai and Govindrao Mama spoke to me about it this morning, and asked my opinion, which I of course said I could not give unless I heard both sides of the case. Numbers of people were present; the altercation which lasted for more than half an hour was between the Maharaja and one of his Sirdars about the latter's wife, the daughter of the late Gunputrao Maharaj. The lady it appears is suspected of being on friendly terms with the Maharaja, and the latter drove up to the Sirdar's house and sent for her. She came down into the street and began to talk with the Maharaja. Her husband who was in the house, eating his dinner at the time, on being told what was going on, came down into the street, and by this time a large concourse of people had assembled, before whom the altercation took place. I find that this Sirdar, whose name is Anandrao Wishwasrao, *alias* Nana Sahib Powar, complained to me a year ago about his domestic affairs, and that I did not move in them, under the hope that some general settlement would take place.

8. I submit respectfully that the actual occurrences of even the last day or two tend to confirm the suspicion I often entertain that His Highness cannot possibly be in his proper senses, or that he has lost all moral sense of right and wrong, and is not responsible for his actions.

9. The enclosed yad, however, is the work of Mr. Dadabhoy and his followers, who are responsible for it as well as the Maharaja.

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Translation of Durdar Yad, No. 1434, dated 14th August 1874.

* P. 23. With reference to Residency Yad No. 1480C. 1,* dated 10th August 1874, I have the honour to state that agreeably to the advice of His Excellency the Viceroy and Governor-General the following has been done:—

*You** are aware that *Azum* Sivajirow was nominal Dewan for carrying on communication with *you.** From the time that the Residency yad, No. 2729, of 1873, was sent the duties of Dewan were conducted by Azum Dadabhoy Nowrojee, and the responsibility rested on him. Having told *Rajashree* Sivajirow agreeably to the advice of His Excellency the Governor-General, he has resigned the office of Dewan; and agreeably to the recommendation of His Excellency suitable arrangements will be made for him. When Rajashree Bala Mungesh Wagla was appointed Nyayadish (Judge) of the Warisht Court he was made responsible not only for all ordinary duties but for looking personally into every case. Bulwuntrow Deo was doing slight work connected with the Court. Being told agreeably to the advice of His Excellency, he has resigned his post.

* Note.—It is worthy of note that "Toom" is used in speaking of me, and Azum in speaking of Nana Sahib.

Since Kazi Shahab-ood-deen's appointment as Joint Sirsoobha he has been responsible for the greater part of the duties appertaining to that department. *Rajashree* Haribar Gaekwar only looked after slight business. Being told agreeably to the advice of His Excellency, he has resigned his office and Sirsooba. The same about Narayenbhai.

Since Hormusjee Wadia's appointment to the Fouzdaree Department Bulwuntrow Yeshwunt looked after slight judicial work. Being warned agreeably to the advice of His Excellency, he has resigned his office in the Fouzdaree Department.

Agreeably to the advice of His Excellency, suitable provision will be made for the said four Kamdars in accordance with the wish of this Government.

The British Government has expressed its willingness to lend the assistance of British officials in the work of reform, for which I beg to thank them. A separate yad will be sent as regards my availing myself of the offer with pleasure.

A separate yad will be sent about my Dewan.

You write to say that when I have occasion to obtain your advice you will freely give it, and help me as far as you can; for this I am thankful to you; when necessity arises I will gladly avail myself of the offer.

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Note.—It will be observed how particular the writer is in using Azum and Rajashree in speaking of the persons turned out, or supposed to be so. All this makes the contrast of Toom the more impertinent.

(Sd.) R. Phayre.

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No. 1519, dated Baroda, 14th August 1874.

From Resident at Baroda, to His Highness the Gaekwar of Baroda.

Referring to the last paragraph of your yad, No. 1434, dated 14th instant which states that when necessity arises Your Highness will gladly avail yourself of my offer of advice, I think it right to explain, in order to avoid any misunderstanding upon the subject, that I have the orders of His Excellency the Viceroy and Governor-General to call upon Your Highness to effect a thorough and lasting reform of your Government in all matters in which the Commission have shown that the administration calls for reform, and I am also to urge Your Highness to conform to the recommendations made by the Commission, and that in all this I am to act irrespective of any request on the part of Your Highness for advice.

This I shall accordingly do as necessity arises. It is optional with Your Highness to accept such advice or not, and to act on your own judgement, nevertheless the advice has to be offered; and if not accepted, I have instructions of Government to inform Your Highness regarding each instance separately, that a note has been taken of your inattention to the advice given.

I observe at the commencement of the yad under reply that Your Highness twice uses the word "Toom" in connection with me personally. I would therefore bring to Your Highness' notice that this style of addressing the British representative at your Court is wanting in proper respect, not only to me personally, but also to the Government which I represent; moreover that, it is altogether unprecedented in Durbar communications to the Resident up to this day. I have therefore the honour to request that Your Highness will be pleased to substitute a properly worded yad in the part objected to for the one under reply, and foward it to me for record as soon as convenient.

It does not escape my observation that, towards the close of the yad under reply the proper mode of address "ass" is used, which makes the use of the word "toom" twice at the beginning of the yad the more marked, I hope therefore that Your Highness will make the alteration suggested above.

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No. 260–864, dated Baroda Residency, 14th August 1874.

From Resident at Baroda, to Secretary to the Government of Bombay.

In continuation of my letter No. 259–863, dated 14th instant, I have the honour herewith to forward a copy of the yad this day addressed to the Durber, No. 1518C.9.

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No. 1518C.9, dated 14th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject which I am to bring under Your Highness' consideration for thorough and lasting reform is that Your Highness will be pleased to put a stop to and severely punish any person concerned in the abduction of women for forced service in the Palace, in respect to which the Commission record that "several cases of the description stated have undoubtedly occurred " involving an abuse of power on the part of the Maharaja, and oppression by certain inferior " Durbar officials and servants, which have brought a most serious scandal on the personal " character of the Chief himself, and the administration of which he is the head."

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No. 261–865, dated Baroda, 15th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN submitting the accompanying translation of Durbar yad No. 1455, dated yesterday, requesting that the usual military honours due to the Dewan of the Baroda State may be paid to Mr. Dadabhai Nowrojee, I have the honour to submit that, considering our experience of Mr. Dadabhai's connection with the Baroda State since the close of the year 1872, and his invariable line of conduct towards the British Government, we should, I think, be incurring a very grave responsibility were we formally to recognize Mr. Dadabhai as Dewan, thereby virtually approving the Gaekwar's selection of him and his party to carry out a work of reform, which we have reason to believe from the events of the past 8 or 9 months they are entirely incapable of effecting.

2. I have already shown at various times since April 1873 that Mr. Dadabhai was the principal adviser of the present Gaekwar at the close of 1872, when his contumacious conduct in refusing to attend His Excellency the Viceroy and Governor-General's Durbar in Bombay elicited the displeasure of the Bombay Government, an example like that being set by one of the principal Native Princes in India, no doubt had a very bad political effect at the time, and is still remembered by many; and there can also be no doubt from what has since occurred at Baroda, that it has exercised a baneful effect upon the character of Mulhar Rao Gaekwar ever since.

3. Subsequent to that Mr. Dadabhai wrote the precedence khureeta for His Highness, and under various pretences persuaded the weak-minded Mulhar Rao to appoint him his Agent in England to conduct that and other imaginary cases of grievance, and it should be especially noted that whilst Mr. Dadabhai was at Baroda at that period, he was both openly and secretly aided in his designs by the then Parsee head clerk of the Baroda Residency Office establishment.

4. Having secured Rupees 50,000 from the Gaekwar for these supposed good services, Mr. Dadabhai went to England in about April 1873, but returned to Baroda in the following December, and has been here ever since.

5. My reports give a sketch of Mr. Dadabhai's career as Dewan of the Baroda State from the 24th of December 1873 up to the present time, during which time I submit that several of the khureetas which he has written, notably those in the Luxmaebai case, contain ample proof of his unfitness for the office of Dewan of such a State as Baroda. Superadded to these proofs, however, there is the deliberate neglect of the recommendations of the Commission for eight months, the increasing injustice done to British subjects, the continued oppression of the ryots, the systematic resistance to all reasonable demands of the British Government as represented in the large number of cases still pending; there is the neglect to take notice of Government references of the most urgent kind; there is the injury done to our trade and the direct act of disrespect shown to the Resident in the opium case; and there are others also in which we have exercised forbearance under the hope that as soon as the decision of the Government of India upon the Commission Report arrived a change for the better would take place.

6. His Excellency the Viceroy and Governor-General's khureeta of the 25th ultimo was delivered by me to His Highness on the 3rd instant, but instead of a change for the better manifesting itself, one of the first efforts of Mr. Dadabhai and his party was to turn the advice contained therein to their own account by endeavouring to induce the Gaekwar to sign an agreement to the general effect

that the administration should be placed in their hands for a certain period. This I am given to understand the Maharaja declined to do, upon which Mr. Dadabhai and his party threatened to leave Baroda. I was then consulted as to the advisability of retaining Mr. Dadabhai in power, and I at once replied that he ought to be allowed to depart. I at the same time pointed out how a good provisional Government could be organized, pending the selection by His Highness of a suitable Minister. Dadabhai upon this took into his counsels the notorious Damodur Punth, the present favourite of the Gaekwar, the panderer to his grossest vices, the oppressor of women, &c., and the unfortunate result has been that the Maharaja decided in favour of Mr. Dadabhai and his party.

* P. 23. 7. On the 10th instant I commenced giving the authoritative advice of His Excellency the Viceroy and Governor-General as conveyed in my yad No. C1,* advising that the Dewan Nana Sahib, &c., should be removed from employment.

8. Scarcely had this advice been given to His Highness than I was pressed as already reported in my letter as per margin to permit Nana Sahib, the Ex-Dewan, to receive the honours due to a Pritinidhi. The request itself being insulting to the British Government as evincing a deliberate desire to promote the man to greater honour than His Excellency the Viceroy had advised his being deprived of, and this too whilst the impression as first made by the khureeta was still fresh.

† P. 27. † No. 255–857, dated 13th August 1874.

‡ P. 30. 9. Having been foiled in this manœuvre, Mr. Dadabhai commenced his correspondence with me in the yad No. 1434,‡ which I forwarded to Government yesterday, with my report of the same date, wherein it has been shown how Mr. Dadabhai followed up his system of insulting the Resident, and endeavouring to rid himself and his master of his advice in all matters connected with the thorough and lasting reform which has to be carried out.

10. Such being briefly our experience of Mr. Dadabhai's measures as an administrator, even since the receipt of His Excellency the Viceroy's khureeta, I respectfully submit that, so far from our being able to confer military honours upon him, and recommend his continued employment by the Gaekwar, it would be absolutely subversive of our own proposals for reform, our own interests, as well as our own honour and dignity, were we to do so in the face of the actual facts on record; on the contrary we are bound, I submit, to caution His Highness that a man who has proved himself hitherto to be so bad an adviser, and so utterly devoid of all weight in the State, cannot possibly initiate or carry out that thorough and lasting reform upon which the present Gaekwar has been solemnly assured that his tenure of sovereign power depends.

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Translation of Durbar yad, No. 1435, dated 14th August 1874

AZUM DADABHAI NOWROJEE has my full confidence, and is a worthy man. A yad No. 2729, dated 23rd December 1873, was sent to the Residency, to the effect that he had been appointed to the duties of Dewan, and he has been doing work accordingly. Kindly therefore arrange that he may get the customary military honours, &c. due to the Dewan, and send an answer.

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## No. 264–874, dated Baroda Residency, 17th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 260–864, dated 14th instant, I have the honour herewith to forward copies of the following yads this day addressed to the Durbar, Nos. 1532C.10, 1533C.11, and 1534C.12.

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No. 1532C.10, dated Baroda, 17th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject to which I am to invite Your Highness' serious attention for settlement according to equity and reason, in connection with the khureeta of His Excellency the Viceroy and Governor-General of the 25th ultimo, and the proceedings of the Baroda Commission, are the grievances of the late Gaekwar's family, and of the followers and the servants of the late Chief, as set forth in paragraph 8, groups 11 and 12, and paragraph 12, page 9, and cases 42 and 45 to 56 of the Report.

His Excellency the Viceroy and Governor-General is of opinion that Your Highness would do well to extend to the relatives and dependants of the late Chief the justice and consideration due to them, and that as regards the future, Your Highness should desist from all harsh and vindictive treatment towards them.

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No. 1533C.11, dated Baroda, 17th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject upon which I am instructed to invite the serious attention of Your Highness with a view to settlement, according to equity and reason, and further authoritative advice being ultimately offered regarding it, should such be necessary, is that Your Highness should make suitable provision for all the immediate members of the Gaekwar family, and permit the ladies to reside away from Baroda, should such appear to be desirable, their allowances should be fixed with the approval of the Government of Bombay, and they can be paid according to lists to be furnished by the Gaekwar, the money being recovered from the Baroda State.

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No. 1534C.12, dated Baroda, 17th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject which I am to bring under Your Highness' consideration in connection with His Excellency the Viceroy's khureeta of the 25th ultimo, and the proceedings of the Baroda Commission, is that Your Highness will be pleased to issue a proclamation prohibiting the infliction of corporal punishment upon women, and absolutely interdicting under severe penalties the personal ill-treatment *in this or any other way* of females, whether in Jail, or before the Courts, or under examination by the Police, and that a copy of such proclamation be forwarded for the information of Government.

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Translation of Durbar yad No. 1458, dated 17th August 1874.

I HAVE received the Residency yads* Nos. 1482C. 2, 1483C. 3, 1484C. 4, 1485C. 5, and 1486C. 6, about the advice of His Excellency the Governor-General. With regard to these I have to state as follows:— * Pp. 25, 26.

With respect to yad No. 1482C. 2, requesting that the barbarous processes employed in my State for realising the revenue should be prohibited, and stating that the matter being one of importance could not admit of delay, I beg to assure His Excellency that the matter has engaged my serious attention. The rules and mode of realising the revenue, and all such matters are at present under my consideration. A complete Revenue Code will be prepared as soon as possible, which will leave no room for committing oppression. Offenders in this respect will be duly punished.

In yad No. 1483C. 3, you have brought to notice the subject of a moderate and equitable land settlement and a faithful adherence to its terms in future, all further exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden. With regard to this I have to state that the last ten years' settlement has expired in most of the Mahals, and it is necessary that for the current year some reasonable settlement of rates should be immediately made. Azum Kazee Shahabudin made inquiries with regard to the jummabundee of the four of the northern Mahals, viz., Beejapur, Vusnuggur, Burnuggur, and Khyruloo, and has submitted a report, which not only suggests an immediate reduction of rates, but contains information which will be useful in making a settlement for a term of years. With regard to other Mahals arrangements will be made as soon as possible. In the Nowsaree districts the Hoozoor Soobah has been making the necessary inquiries with a view to make reasonable reductions in the rates of assessment. The advice of His Excellency as regards the rates of jummabundee will be carried out as soon as possible; the terms of settlement will be adhered to, and no illegal increase; no oppressive practices on the part of the Durbar officials will be permitted, and any official found guilty thereof will be punished.

Yad No. 1484C. 4 relates to the adoption of some equitable mode of dealing with the Wuttun and enams of my State so as to remove all ground for anxiety and discontent among the holders of them. With regard to this, I have to state that the Wuttuns which had been attached by His Highness Khunderao were released from attachment last year; a general inquiry is to be made into the matter. I shall hereafter communicate my views on the important subject of Wuttuns and Enams.

Yad No. 1485C. 5 has reference to the exercise of the strictest supervision over the subordinate officials so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them. With regard to this I have to state that this important subject under notice has already engaged my attention, and without loss of any time whatever such measures will be adopted as will in my opinion effect the desired reform.

In yad No. 1486C. 6, I have been requested to arrange that punishments awarded for offences bear some reasonable relations to the crimes committed, and be not scandalously excessive as in some of the cases proved before the Commission. With regard to this I have to state that this subject too has engaged my attention. Better regulations for civil, criminal, and revenue matters than that now in force are under preparation. When these are brought into operation several of the heads of advice given by His Excellency the Governor-General will have practical effect.

I will at short intervals communicate to you, for the information of the Bombay Government and the Government of India, particulars as to the progress towards reform in each of the matters above set forth; and I will gladly avail myself of your advice as necessity arises.

I trust that if suitable opportunity is given to me, and I obtain hearty assistance from you, I will be able to assure His Excellency the Governor-General that the confidence reposed in me will not go for nothing; and that every advice of His Excellency will be really carried out as soon as possible.

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Translation of Durbar yad No. 1460, dated 17th August 1874.

* Pp. 26, 27. † P. 31.

I HAVE received the Residency yads* Nos. 1502C. 7 and 1503C. 8, dated 12th August 1874, and 1518C 9,† dated 14th August 1874, and with regard thereto, I have the honour to state as follows:—

Yad No. 1502C. 7 states that His Excellency the Governor-General has directed you to urge on me to conform to the recommendations of the Commission. In connection with this, I have been requested in consultation with you to frame general rules for adoption in giving effect to reductions of Sirdars and Silladars, &c., &c. With regard to this some information is to be collected, and the matter is to be fully thought over. I will therefore further communicate with you about it hereafter.

In yad No. 1503C 8 the following subject was brought to my notice, viz., that with the object of preventing the sale of appointments generally in my service by the levy of nuzzerana and suppressing extortion on the part of office-holders, that I should introduce the system of paying fair salaries for the performance of duty and issue a proclamation forbidding the levy of nuzzerana on all appointments, copy of such proclamation being furnished for the information of Government. With regard to this I beg to state that I am about to adopt full measures for giving adequate salaries to officials; the practice of taking nuzzeranas has been done away with for some time past, still a proclamation will be made as desired by the Resident, and a copy sent to the Residency.

In yad No. 1518C. 9 you requested me to put a stop to and severely punish any persons concerned in the abduction of women for forced service in the Pálace. With regard to this I beg to state that the forcible abduction of women for forced service does not take place. If any one is concerned in such oppression he will be punished.

Translation of Durbar yad No. 1560, dated 4th September 1874.

‡ Pp. 32, 33.

I HAVE received the Residency yads‡ Nos. 1532C. 10, 1533C. 11, and 1534C. 12, dated 17th August 1874.

With reference to these, I beg to state—In yad No. 1532C. 10 the opinion of the Viceroy and Governor-General as regards the relatives and dependents of the late Gaekwar is given, which will be taken into consideration and attended to.

In yad No. 1533C. 11 it is stated that proper provisions should be made for the near relatives of the Gaekwar, and if any of the ladies wish to live out of Baroda they should be allowed to do so after an allowance is made to them with the approval of the Bombay Government. With respect to this I beg to state that I quoted the decision of the Bombay Government about not interfering with the Gaekwar's family affairs in my yad No. 177 of 1874, and fully trust that the British Government will not interfere with the Gaekwar's family affairs. The arrangements for the near relatives of this Government are made according to their merits; Rukhmabaee's case is known to you, and according to yad No. 1346 of 1874, sent (to the Residency), arrangements have been proposed for her in accordance with the advice of the Governor-General, and has been communicated to you orally.

In yad No. 1534C. 12 it is stated that a proclamation should be issued prohibiting corporal punishment of woman, and their oppression either in this or in any other way in prison, courts, or by police officers, and that whoever does so would be punished.

A proclamation to this effect will be issued and a copy sent to you.

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No. 26P., dated Poona, 24th August 1874 (confidential).

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA

§ P. 20.

WITH reference to your yad to His Highness the Gaekwar, No. 1533 of 17th August last, calling on him "to make suitable provision for all the immediate "members of the Gaekwar family, and to permit the ladies to reside away "from Baroda, &c.," I am directed to request that you will explain your apparent disregard of the instructions contained in the last paragraph of my letter No. 22P.§ of 6th instant, to the effect that, except in the case of Her Highness Rukmabaee, no "communication should be made to the Gaekwar or "to the Durbar about any other lady without previous consultation with Govern- "ment."

No. 25P., dated Poona, 24th August 1874 (Confidential).

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

I AM directed to acknowledge the receipt from you of the following communications:—

I.—Letters* Nos. 252 and 254 of the 12th instant, and 264 of the 17th instant, forwarding copies of 10 yads containing advice on various matters addressed by you to the Gaekwar. *Pp. 25, 26, 32.

II.—Letter† No. 255 of 13th instant, reporting that the officials objected to by the Government of India had ceased to perform their functions, but that the Gaekwar desired that Nana Sahib Khanvelkur should be confirmed in the office of Pritinidhi with merely ceremonial duties attached; that you had informed the Gaekwar and R. S. Bapoobhai and N. S. Khanvelkur himself, that such an arrangement was impossible in the face of the advice you had been ordered to give. † P. 27.

III.—Letter No. 259‡ of 14th instant, forwarding yad from the Gaekwar of the same date, in which he states that the officials objected to had resigned their offices, and acknowledges with thanks the offer of the services of British offer and of your own advice, animadverting on the use of the expression "toom" as addressed to yourself, and on the terms on which the Gaekwar accepts your office of advice. And forwarding copy of your answer to the Gaekwar's yad of the same date, in which you intimate that you are ordered to offer advice on certain points whether applied for or not, and request the Gaekwar to substitute a new yad with the rectification of the expression objected to. ‡ P. 29.

IV.—Letter No. 260§ of 14th instant, with copy of yad advising the Gaekwar to put a stop to the abduction of women. § P. 30.

V.—Letter No. 261‖ of 15th instant, forwarding the Gaekwar's official request that the customary military honours may be paid to the Dewan, Mr. Dadabhai Nowrojee, and giving your reasons for considering that this should be refused, and all other recognition of Mr. Dadabhai's appointment. ‖ P. 31.

2. I am now to communicate to you the observations of Government on your proceedings as reported in these papers.

3. The prompt manner in which the Gaekwar caused the officers objected to to resign their offices deserved recognition, and His Excellency in Council cannot but regret the strong terms in which you objected to his very natural wish to break the fall of one of them, his brother-in-law, Nana Sahib Khanvelkur, to whom he has always shown much attachment, by conferring on him the honorary title of Pritinidhi, without, as he positively assured you, entrusting to him any administrative functions. Such an arrangement, if really carried out, would not be contrary to the spirit of the advice given by the Government of India, and it would have been sufficient if you had confined your opposition to impressing on the Gaekwar the dangerous results that would ensue to himself, if, in violation of his pledges, he permitted Nana Sahib Khanvelkur to become the instrument of further misgovernment. It will still be well for you to take an opportunity of making an intimation to the Gaekwar that the Government will not object to his conferring this honorary title, although they cannot authorize any greater honour being in consequence paid to Nana Sahib Khanvelkur than those to which he may now be entitled as Sir Soobah.

4. Referring to the Gaekwar's yad¶ of the 14th instant, the use of the word "toom" as addressed to you was undoubtedly disrespectful, and His Excellency in Council desires to know the result of your request to the Gaekwar for its rectification. But the objection taken by you to the concluding sentence of the yad, in which the Gaekwar courteously acknowledges your offer of advice, and promises to apply for it on necessity arising, was, in the opinion of Government, most unreasonable. It is difficult to see what other answer the Gaekwar could have been expected to give, and your rejoinder, that in many matters he would have to listen to your advice, whether he requested it or not, of which he had been already informed in sufficiently peremptory terms, was uncalled for. ¶ P. 30.

5. The report of your opposition to the appointment of Mr. Dadabhai Nowrojee as Dewan, as expressed by you to the Gaekwar and some of his officers, and your protest to Government against according to him the military honours customarily paid to the Dewan, and in fact any recognition whatever on the part of Government, have been read by His Excellency in Council with the greatest surprise.

You have been made acquainted in the clearest language with the determination of Government not to fetter the Gaekwar in the choice of his Minister, but to look only to the results of his choice. Wholly ignoring these instructious, you have placed yourself in a position of such decided hostility to the Dewan, whom the Gaekwar has appointed, as to impede most seriously the cordial co-operation of the Minister and yourself, in carrying out the administrative reforms which it is the sole object of the Government to induce His Highness to effect.

6. The Government are fully sensible of the distinction between the authoritative advice which you are directed to give in certain matters, and the friendly advice which you are to give in the matters about which the Gaekwar may consult you. And it has not escaped observation that the Gaekwar consulted you on the expediency of appointing Mr. Dadabhoy as his Dewan. But His Excellency in Council cannot admit that you can divest yourself of your public character in your friendly any more than in your authoritative communications; and you were bound to say nothing under the former head which would be in any way contrary to the spirit of your instructions. The expression of your determined personal opposition to Mr. Dadabhoy was, in the opinion of His Excellency in Council, inconsistent with the order that the Gaekwar should be left free to appoint his own Minister, besides being injudicious in view of the possibility that Mr. Dadabhoy might be appointed in spite of your advice. I am also to notice as injudicious your observation to R. S. Bapoobhai and Govindrao Mama reported in paragraph 4 of your letter No. 255 of 13th August. "That if this was the kind of reform " His Highness was going to carry out under Mr. Dadabhoy's administration, it " could end only in one result, and that very shortly."

7. His Excellency in Council is much concerned to find in these transactions a most serious misappreciation of the actual position of affairs, and of the line of conduct you have been ordered by the Government of India and this Government to pursue.

8. In order that the false steps you have taken may be retraced, I am directed to request that you will, on returning to Baroda, inform the Gaekwar in writing, and without comment, that you have been personally consulted by His Excellency in Council on the present situation, that His Excellency desires to acknowledge the promptness with which His Highness has attended to the advice of the Government of India in the matter of removing certain officials from office, and that the Government, while refraining from pronouncing any opinion on the qualifications of Mr. Dadabhoy, desire to offer no objection whatever to his appointment as Dewan, if the Gaekwar in the exercise of his independent discretion should think proper to appoint him, and you should add that you will afford him every assistance he may need, and accord to him the usual military honours.

9. You will be good enough to forward, for the information of Government, a copy of the yad by which you will communicate to the Durbar the instructions now given respecting the recognition of Mr. Dadabhoy as Dewan.

10. His Excellency in Council much regrets, being compelled by an imperative sense of duty, to address to you this communication, which he feels cannot but be painful to you. And it will afford him much gratification to find himself enabled to give you cordial support in the future conduct of the difficult task you have before you.

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No. 264A., dated Baroda, 28th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

See above

IN acknowledging the receipt of your letter No. 25P., dated 24th instant, I have the honour to express my deep regret that I have unwillingly incurred the displeasure of His Excellency the Governor in Council on the alleged grounds of having taken two false steps; one in the matter of Nana Sahib's appointment as Pritinidhi of the Gaekwar State, and the other in regard to the opinion I expressed when consulted by His Highness the Gaekwar as to the advisability or otherwise of his retaining the services of Mr. Dadabhoy Nowrojee as Minister.

2. I trust to be able to offer such explanation of my conduct and advice in regard to these questions as shall remove the strong dissatisfaction which has been expressed by Government in your letter under reply.

3. With regard to the question of Nana Sahib's appointment as Pritinidhi there were two points at issue:—

1st. Whether, taking into consideration Nana Sahib's recent removal for misconduct from the office of Dewan at the instance of His Excellency the Viceroy and Governor-General, we could recognize him in the higher appointment of Pritinidhi, even though the duties of that office were made purely ceremonial as promised by the Gaekwar.

2ndly. Whether, as such recognition on our part consists only in the grant of military honours, superior, or at all events equal, to those granted to the Dewan of the Baroda State, we could consistently accord to Nana Sahib such honours, he having just been deprived of them on his removal from the office of Dewan.

4. The decision of Government upon these points is—

1st. That the Government will not object to His Highness the Gaekwar conferring the honorary title of Pritinidhi upon Nana Sahib, provided the functions of the appointment are merely ceremonial and not of an administrative character.

2ndly. That the Government cannot authorize any greater military honours being paid to Nana Sahib in consequence of his honorary appointment of Pritinidhi.

5. Thus with regard to both points the decision of Government confirms my original suggestion, that we could not recognize even the ceremonial appointment in the manner that the Gaekwar wanted, viz., by military honours. All else it was in the Gaekwar's own power to give without reference to us, and therefore his sole object in asking us was to obtain that which the Government have found it impossible to grant.

6. I respectfully claim therefore, under this explanation, to be exonerated from the charge of having taken a false step in this matter.

7. With regard to the expediency of our intimating to His Highness the Gaekwar that we have no objection to his appointing Nana Sahib Honorary Pritinidhi on the terms stated under present circumstances, I respectfully submit that time alone can show whether the effect of promoting Nana Sahib to a higher rank in the State than he held before will be good or bad; and that with the orders and facts which I had for my guidance, I am not open to blame as having taken a false step in opposing that measure when first proposed to me.

8. His Highness the Gaekwar paid me his usual visit last evening, and I communicated to him the Government order on this subject. He was very much pleased indeed with the Government intimation, that the objection to his appointing Nana Sahib to perform the ceremonial duties of Pritinidhi was withdrawn; but instead of being contented with that concession, His Highness repeated with great importunity his request that I would give the military honour due to the office *privately*, as the honorary appointment was of little avail without them. He also was encouraged to repeat his request, made some time ago, that I would grant the military honours of a Ranee to Luxmeebaee.

9. I feel sure that the Government taking into consideration the whole of the circumstances stated, in conjunction with the difficulty of my position here, will do me justice in this matter.

10. Again with regard to the appointment of Minister. The Gaekwar up to this day has not finally confirmed Mr. Dadabhoy as such by conferring on him the usual *Poshach* or dress of honour; that ceremony having been postponed pending the sanction of military honours for Mr. Dadabhoy, which was submitted to Government so far back as the 24th December last. Latterly, however, His Highness has been very undecided about retaining Mr. Dadabhoy as his Minister. He was directed in His Excellency the Viceroy's khureeta, dated the 25th ultimo, to seek the Resident's advice whenever he required it, and in paragraph 7 of the Government of India letter No. 1586P. of the same date, the Resident was ordered to grant his advice and help to the Gaekwar, should it be sought in any matter connected with the administration.

11. When, therefore, I was consulted by the Gaekwar regarding Mr. Dadabhoy, I felt it to be my imperative duty to furnish His Highness with an opinion according to the best of my ability, reminding him at the same time of his entire independence in the matter; and in thus obeying the orders of His Excellency the Viceroy and Governor-General, I deferentially submit that I have not taken a false step, but on the contrary have openly and honourably aided the Gaekwar by

my advice when His Highness was in a state of painful suspense and indecision greatly needing it, and that had I withheld it he might justly have complained of my conduct, as he no doubt would have done.

12. The opinion that I offered was purely official; it was based upon official evidence which I have already quoted, evidence which appears to me to show beyond a doubt that Mr. Dadabhai has from his arrival in Baroda in December last, not only called in question the justice of appointing a Commission to enquire into Baroda affairs, but has systematically ignored their recommendations in many ways during a period of eight months; consequently I failed to see how that gentleman could reasonably be expected to carry out the thorough and lasting reform based upon the recommendations of the Commission which His Excellency the Viceroy and Governor-General has enjoined.

13. I respectfully submit that this expression of opinion cannot possibly prejudice the ultimate settlement of the questions at issue one way or other; because independently of it an unquestionable array of facts will present themselves in a few months, showing whether the requisite reforms and the recommendations of the Commission are really in course of being effected or not, and on those facts, and those alone, not on any mere opinion of mine, the ultimate verdict of Government will mainly depend.

14. Agreeably to the instructions conveyed in the 8th paragraph of your letter under reply, I have the honour to forward a copy of the letter which I addressed yesterday to the Durbar regarding Mr. Dadabhai; that gentleman has attended at the Residency for the transaction of business both yesterday and to-day; and I have assured him of my cordial support "in effecting a thorough and lasting "reform in these matters in which the Commission have shown that the admi- "nistration calls for reform," to which Mr. Dadabhai replied that he felt satisfied that I would do so.

15. Referring to paragraph 4 of your letter under reply, an amended yad containing the alterations suggested by me has been received, and that matter has thus been satisfactorily settled.

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No. 1612, dated Baroda, 27th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR.

HAVING been consulted by His Excellency the Governor in Council regarding the present situation of affairs at Baroda, His Excellency has desired me to acknowledge the promptness with which Your Highness has attended to the advice of the Government of India in the matter of removing certain officials from office, and with reference to Your Highness' yad No. 1435, dated the 14th instant, I am instructed to say that the Government, while refraining from pronouncing any opinion on the qualifications of Mr. Dadabhai Nowrojee, desired to offer no objection whatever to that gentleman's appointment as Dewan, should Your Highness in the exercise of your independent discretion think proper to appoint him.

It will be my duty to afford Mr. Dadabhai every assistance he may need, and accord to him the usual military honours.

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No. 271–922, dated Baroda, 31st August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

REFERRING to paragraph 6 of your confidential letter No. 22P.,* dated the 6th instant, I have the honour to report, for the information of His Excellency in Council, that the only points upon which I have not as yet made any communications to the Durbar are Nos. 2 and 4 of your list, the former referring to the case of the Thakoors of Beejapoor, and the latter to the question of accession nuzzerana.

* P. 20.

2. I think it right to state, with reference to the Beejapoor Thakoors, that they resisted the payment of an accession nuzzerana, mainly owing to their giras claims not having been settled, and I have reason to believe that before settling the Ghasdana or any other claims of these men, the Durbar will insist upon their paying the accession nuzzerana which I have every reason to believe the Thakoors will resist. Moreover I am aware that the payment of the balance of the accession nuzzerana still remaining unpaid in other mahuls is being strongly pressed by the Durbar *at the present moment*, and is causing great dissatisfaction.

3. It was only yesterday that in consequence of a border dispute between one of these Thakoors and a Mahee Kanta Thakoor of Deyrole, that I was obliged to address a yad to the Durbar, of which the accompanying is a copy, and although this border case has nothing to do with those which were investigated by the Commission, *vide* references in the margin, yet I feel sure that it will bring on the whole question of the Thakoors' grievances, not one of which has been redressed though promised by the Durbar, and hence my desire that Government should be informed of the matter beforehand.

No. 1613, dated 29th August.

Commission Report, paragraph 8, group No. 2, Appendix A., case No. 2, Schedule II.,
also
Appendix G., case No. 2, Schedule II., containing the reply of the Durbar and final statement of the Resident.

4. The Ghantoo Thakoor's conduct of a few days since in entering Mahee Kanta territory appears to me to demand that he should be given up for trial by Major LeGeyt on the production of a satisfactory *primâ facie* case, but I apprehend that the Durbar will have to use force in order to arrest him, and such of his followers as fired on the Deyrole Thakoor and slightly wounded two persons, unless care is taken to explain to the whole of the Thakoors that an equitable settlement of their accounts generally is intended.

5. Should the Durbar apply to me for advice how to act, and ask for the aid of the subsidiary force, which I know they are disposed to do, I propose to inform them that they must use their local police and infantry and horse to maintain their authority, because it is only when they are unable to assert that authority with the ordinary means at their disposal that the subsidiary force can properly be called upon to interfere.

6. I merely draw attention to these circumstances in consequence of the border affray now reported having precipitated the Beejapoor Thakoors' question generally, though, so far as I am aware, the Ghantoo Thakoor and his followers were alone implicated in the Deyrole business.

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P.S.—Since writing the above I have heard that in the Kurree and Patton Pergunnas unduly severe measures are being taken to collect the arrears of the guddee nuzzerana or accession tax; and, with reference thereto, to solicit early orders about advising His Highness the Gaekwar not to levy accession nuzzerana where there is a fixed land settlement.

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No. 1613, dated Baroda, 29th August 1874.

From Resident at Baroda to His Highness the Gaekwar of Baroda.

In December 1872 the Boundary Commissioner, Lieutenant Stace, decided a long standing boundary dispute between Ghantoo in Your Highness' Beejapoor Pergunna and Deyrole in the Subur Kanta Talooka of the Mahee Kanta.

2. Your Highness' Kamdar accompanied Lieutenant Stace at the time, and all the details of the settlement are known to the Durbar; Lieutenant Stace's decision being that the river Soburmute being the true boundary between the villages of Ghantoo and Deyrole, and that the whole of the disputed land on the north bank of the river, as well as that in the bed of the river itself, belonged to Deyrole.

3. It appears from the Residency records that in February last year (1873) the Thakoor of Ghantoo, disregarding this settlement, went to cultivate the disputed land which had been given over to Deyrole, and committed some damage, as brought to the notice of the Durbar in Residency yad No. 499, dated 4th March 1873, and subsequent correspondence with the Durbar.

4. From this correspondence, which lasted for about seven months, it appeared that the Ghantoo Thakoor brought counter-charges against the Thakoor of Deyrole for having seized some cattle of his and for having wounded one of his men, &c., but at length the Durbar in their yad, No. 2147, dated 7th October 1873, agreed to hand over the Ghantoo Thakoor and eight other offenders to the Political Agent, Mahee Kanta, for trial, on the strength of the *primâ facie* cases furnished by the Political Agent, Major LeGeyt.

5. On the 23rd April last I forwarded to the Durbar a copy of Political Agent's yad No. 261, dated 15th April 1874, in which it was intimated that the case had been settled between the two Thakoors and a razeenama given by the Deyrole Thakoor that he was satisfied.

6. It now appears, however, that notwithstanding this arrangement the Thakoor of Ghantoo again obstructed the cultivation of the land in question as brought to Your Highness' notice in Residency yad No. 1457, dated 7th instant, when I requested the Durbar to take speedy measures in the matter in order to prevent a recurrence of last year's obstruction.

7. *No reply to that yad has been received by* me, and I have now again the honour to forward for Your Highness' information copies of Yad No. 3537, dated 22nd instant, and accompaniments to my address from the Political Agent, Mahee Kanta, containing an account of further serious offences committed by the Thakoor of Ghantoo and others with him in Deyrole limits, and to

request that, as the Ghantoo Thakoor is thus alleged to have been guilty of unlawfully assembling an armed force for the purpose of rioting within the limits of Deyrole Talooka, Sabur Kanta, under the Mahee Khanta, *immediate measures* may be taken by Your Highness to put a stop to these riotous proceedings.

8. The *primâ facie* case promised by Major LeGeyt will be sent to Your Highness as soon as received with a view to the surrender of the Thakoor and others, his associates in the recent alleged outrage, for trial by the Political Agent.

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P.S.—Since writing the above I have received Durbar yad No. 1534 of this date, in which it is stated that the Deyrole Thakoor came and quarrelled with the Ghantoo people, and requesting that as two of the Ghantoo people had been injured by gun-shots, the Deyrole people may be prevented from coming into Ghantoo limits.

I shall at once despatch a copy of this yad for Major LeGeyt's information, and request him to take the necessary steps for preventing any further disturbance of the peace pending a settlement of the case.

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Translation of Durbar yad No. 1534, dated 29th August 1874, referred to in the P.S. of my yad No. 1613, dated 22nd August 1874.

THE Kamdar of the Fouzdaree has submitted yad No. 768 of 1874, and I have therefore the honour to state that there being a dispute about land between the Thakoor of Ghantoo under Bejapoor and the Thakoor of Deyrole in the Mahee Kanta, the latter came with a number of men and quarrelled with the Ghantoo people. Two of the Ghantoo people have been injured by gun-shots, and a Kamdar has gone there from here to make enquiries. On his investigating into the matter particulars will be communicated. But just at present arrangements may be made that the Deyrole people may not come into the Ghantoo limits and make a disturbance or quarrel.

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No. 268A., dated Baroda, 31st August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

* P. 34. IN reply to your confidential letter No. 26P.,* dated 24th August 1874, in which you require me to explain why *I called upon* His Highness the Gaekwar to make suitable provision for all the immediate members of the Gaekwar family, and to permit the ladies to reside away from Baroda, I have the honour to point out that

† P. 33. a reperusal of my yad to the Durbar, No. 1533C.11,† will show that I did not *call upon* His Highness to do as you state, but I merely mentioned the *subject* (which is one of the most serious treated by the Commission) for His Highness' serious attention prior to authoritative advice being offered *if necessary*. I purposely mentioned *no individual*, either male or female, in consequence of the orders of His Excellency the Governor, and though I might have mentioned Rukhma Baee, yet, as her case was then before Government, I thought it best to defer that also.

2. Thus, whilst agreeably to the orders of His Excellency the Viceroy and Governor-General, I have invited general attention to this class of cases with a view to their settlement according to equity and reason, I have not committed the Government to the advocacy of any case in particular, whether amongst the male or female relations of His Highness the Gaekwar, and it is thus in the hands of His Highness to do justice to these much-oppressed and ill-used persons, without further intervention on our part if he desires to do so, but that justice has to be done to them is clear from the orders issued on the subject.

3. Since writing my yad dated 11th to the Durbar, I have received the orders of Government in Her Highness Rukhma Baee's case, and I will now speak to His Highness' Minister on the subject.

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No. 274–929, dated Baroda, 2nd September 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

‡ P. 38. IN continuation of my letter No. 271–922,‡ dated 31st ultimo, and referring to the P.S. thereof, I have the honour to report that I have received a communication from the Political Agent, Rewa Kanta, complaining of the forcible means

adopted by the Durbar to recover the guddee or accession nuzzerana from certain Rewa Kanta subjects holding Sulamee land in a border village belonging to His Highness the Gaekwar, and requesting me to move the Durbar to put a stop to them.

2. I beg respectfully to request the favour of early orders on my communication above quoted, pending the receipt of which I have refrained from addressing the Durbar on the subject.

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No. 279–945, dated Baroda, 7th September 1874.

From Resident at Baroda, to Secretary to the Government of Bombay.

In continuation of my letters as per margin, on the subject of the guddee nuzzerana or the accession tax, I have the honour to report that petitions have been sent to me by post by several of the patels and ryots of the Pergunnas of Puttun, Wurnuggur, Ruddee, and Petlad, complaining of the oppressive measure adopted by the Gaekwar Government to realize the arrears of the guddee nuzzerana. See above.

No. 271–922, dated 31st August 1874.
No. 274–929, dated 2nd September 1874.

2. Under these circumstances, I should feel much obliged by early orders as to the action which I am to take upon His Excellency the Viceroy and Governor-General's advice to His Highness the Gaekwar "to take no accession nuzzerana "where there is a fixed land settlement."

3. In all the districts named there is a fixed land assessment which in itself is alleged to bear heavily upon the ryots.

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No. 29P., dated Poona, 7th September 1874.

From Secretary to the Government of Bombay, to Resident at Baroda.

I am directed to acknowledge your letter No. 264A.* of 28th ultimo, replying to the remarks of Government contained in my letter No. 25P.† of 24th ultimo, on your action with regard to the appointment of Nana Saheb Khanvelkur to the honorary post of Pritinidhi, and of Mr. Dadabhoy Nowrojee to the Dewanship of the Baroda State. * P. 36. † P. 35.

2. You now explain that your whole opposition to the Gaekwar's desire to appoint Nana Saheb Khanvelkur to a purely ceremonial office applied to the question of his receiving military honours on the part of the Resident. "All else," you write, "it was in the Gaekwar's own power to give without reference to us," and you argue that as the Government have now themselves directed that no military honours should be paid to Nana Saheb Khanvelkur in virtue of any ceremonial office to which the Gaekwar may appoint him, your proceedings have been in accordance with the views of Government, and are not open to censure.

3. In reply to this explanation, I am directed to make the following quotation from paragraph 2 of your Report No. 255‡ of 13th ultimo. ‡ P. 27.

"The Maharaja sent R. S. Bapoobhai to me to press me in regard to Nana Saheb's appointment as Pritinidhi. Bapoobhai said that as yet the usual Poshak or dress of honour had not been conferred on Nana Saheb, because His Highness had been waiting for a recognition of his appointment by the British Government. He added that the Maharaja had been on the eve of granting him the Poshak at 4 P.M. yesterday at Mr. Dadabhoy's suggestion, I presume, independently of me; but that Bapoobhai had stopped the ceremony pending another reference to me. I again repeated that the act of promoting Nana Saheb to a higher office than that from which he had been displaced on the advice of His Excellency the Viceroy and Governor-General, which they professed to respect and obey, would be a direct mark of disrespect to His Excellency the Viceroy, and that it would be regarded as such. Bapoobhai then argued that the Maharaja was left to do as he pleased, and why this restriction about the appointment of Pritinidhi? I replied that the Maharaja might do as he pleased, but that if he did this, as contemplated, I should write a yad to the effect that I considered it to have a nullifying effect upon His Excellency the Viceroy's advice, &c."

4. The Government could not infer from this passage that you restricted your communications to merely declining to recognize the proposed Pritinidhi by military honours. Whatever you may have intended by them, your observations to Bapoobhai clearly implied that, if the Gaekwar were to appoint Nana Saheb to be Pritinidhi without your recognition, the act would be regarded as a direct mark of disrespect to the Viceroy. This communication constituted a very serious threat to the Gaekwar, as regarded his conduct in a matter which, as you admit, was within his discretion, and as such, it was disapproved by Government. The explanation now offered cannot be pronounced satisfactory.

5. As regards your opposition to the appointment of Mr. Dadabhai as Dewan, you have explained that the Gaekwar being in a painful state of doubt consulted you on the subject; that you honestly gave your opinion that Mr. Dadabhai wanted the necessary qualifications, "at the same time reminding His Highness " of his entire independence in the matter."

6. Had you restricted your communication to this effect they would have received the full approval of Government, but your reports show that you made other communications which were inconsistent with the Gaekwar's independence in the choice or otherwise of Mr. Dadabhai. In your Report* No. 247 of 11th ultimo, when writing of an alleged attempt on the part of Mr. Dadabhai to secure to himself full power for effecting reforms by a written agreement with the Maharaja, you stated that you informed the Gaekwar that, as regards His Highness signing an agreement to make over his *Riasut* to anyone whatever, except the British Government, "I looked upon the very proposal on Mr. Dadabhai's part " as an offence against the sovereignty of the British Power." Again as already quoted in paragraph 6 of the Government letter,† No. 25P. of 24th ultimo, in reference to Mr. Dadabhai's supposed advice in the matter of N. S. Khanvelkur's appointment, you observed, "that if this was the kind of reform His Highness was " going to carry out under Mr. Dadabhai's administration, it could end only in one " result, and that very shortly."

* P. 23.

† P. 36.

7. But the clearest proof that you did not contemplate the independence of the Gaekwar as regards the choice of Mr. Dadabhai is to be found in your letter to Government, No. 261‡ of 15th August 1874, in which you protested against any recognition of Mr. Dadabhai's appointment which had been made on the part of Government. It does not appear to have occurred to you that by this protest you were ignoring the express orders of the Government of India, since any Minister would be in a false position if denied the customary recognition on the part of Government.

‡ P. 31.

8. In conclusion, I am directed to state that His Excellency in Council hopes that you will see the propriety of abstaining from further discussion on these points.

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No. 30P., dated Bombay Castle, 7th September 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

§ P. 40. I AM directed to acknowledge your letter No. 268A.§ of 31st August last, answering the request of this Government for an explanation of your having apparently disregarded their instructions by communicating with His Highness the Gaekwar on the subject of the ladies of his family without previous reference to Government.

2. His Excellency in Council regrets that he cannot accept your explanation as satisfactory. Having been directed by Government to make no communication to the Gaekwar, or to the Durbar about any lady, except Her Highness Rukmabace, without previous consultation with Government, you made a communication about all the ladies. Your omission to mention names in no way alters the fact of your direct disregard of the orders of Government which did not admit of such misconstruction.

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No. 362–1226 of 1874.

From the RESIDENT, BARODA, to the SECRETARY to GOVERNMENT, Political Department, Poona.

SIR, Baroda, 3rd November 1874.

IN forwarding the accompanying Progress Report No. 1 of yesterday's date, which has been drawn up by me in accordance with the instructions of His Excellency the Viceroy and Governor-General as conveyed in paragraph 11 of Government of India letter No. 1586-P., dated 25th July last, I have honour to submit that the Report in question be printed and that three copies of the same may be furnished to me for use.

2. I last night at 9 o'clock received from the Durbar a Kharita for His Excellency the Viceroy and Governor-General, and one for His Excellency the Governor of Bombay. The former of these documents contains matter of the most serious kind, which I will report upon as soon as possible. In the meantime I am induced to submit that the Report now forwarded be printed, because the Kharita just referred to renders it necessary, I think, that it should be so.

3. I shall be happy to correct the Press, if the work can be expedited by my doing so.

I have, &c.

R. PHAYRE, Colonel, Resident.

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No. 361–1225 of 1874.

PROGRESS REPORT No. 1.

From COLONEL R. PHAYRE, C.B., RESIDENT, BARODA, to the SECRETARY to GOVERNMENT, Political Department, Bombay.

SIR, Baroda, 2nd November 1874.

ADVERTING to the last clause of paragraph 11 of letter No. 1586P., dated 25th July 1874, from the Secretary to the Government of India to the Secretary to the Government of Bombay, in which the Resident is directed to watch with care the progress of the reforms which the Gaekwar has been called upon to initiate; and to report, for the information of Government, on such occasions as he may see fit, what progress has been made, or is to be hoped for in carrying out the said reforms, I am respectfully of opinion that the time has now arrived for me to submit to Government, in as brief and comprehensive a shape as possible, a sketch of the present situation at Baroda, showing—

1st. The authoritative advice already tendered to His Highness the Gaekwar in accordance with his Excellency the Viceroy and Governor-General's instructions.

2nd. The replies made by His Highness the Gaekwar with reference to the advice so tendered.

3rd. A detailed summary of events, showing the substantial results obtained up to date in the several matters adverted to by His Excellency the Viceroy and Governor-General.

In order that this Report may be presented to Government in as methodical and comprehensive a shape as possible, I have thought it desirable to arrange in separate parts the whole of my remarks relating to each of the several heads of advice adverted to by His Excellency the Viceroy and Governor-General, which were separately recapitulated with marginal instructions for my guidence by His Excellency the Governor of Bombay in your letter No. 22P., of 6th August 1874. These parts will be numbered consecutively, and I shall conclude my Report by making such remarks upon the general subject of reform as may appear to me to be required.

Delivery of His Excellency the Viceroy's Kharita, dated 25th July 1874.

2. His Excellency the Viceroy and Governor-General's Kharita, dated 25th July last, was delivered by me to His Highness the Gaekwar in person on the 3rd August last; and from that date up to the present time I have, from time to time, as opportunity offered, been careful to impress upon His Highness, in the manner least distasteful to him, the serious nature of the communication made to him, and of the necessity of effecting a thorough and lasting reform of his Government in those matters in which the Commission showed that the administration called for reform.

In accordance with the instructions contained in Bombay Government letter No. 22P., dated 6th August 1874, I from time to time forwarded to His Highness separate Yads inviting

his serious attention to the various important matters in the Government of India instructions. Copies of these Yads and of the replies received from His Highness the Gaekwar have been forwarded to Government. The first of these communications was addressed to the Durbar on the 10th August 1874, and related to the dismissal of certain prominent members of the old administration, including the Dewan Nana Sahib Khanvelkar. It is satisfactory to notice that this advice was at once acceded to by the resignation of the officials referred to, and the Government, in their letter No. 25P., dated 24th August 1874, were pleased to acknowledge to His Highness the Gaekwar the prompt manner in which he had caused the officers objected to, to resign their offices.

## PART I.

### Grievances of the Agricultural Classes.

3. On this subject I addressed the Durbar in three Yads, as follows :—

(*a.*) Yad No. 1482 of 11th August 1874 (C.2), advising His Highness the Gaekwar to prohibit the barbarous processes employed for realizing the revenue.

(*b.*) Yad No. 1483 of 11th August 1874 (C.3), advising His Highness the Gaekwar to remove the cause of the difficulty now experienced in realizing the revenue, by a moderate and equitable land settlement, and a faithful adherence to its terms in future ; all future exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of the Durbar officials being strictly forbidden.

(*c.*) Yad No. 1731 C.13 of 16th September 1874, advising His Highness the Gaekwar to take no accession Nuzzurana where there is a fixed land settlement.

With reference to the first of the above Yads (C.2) I was informed that the matter had engaged the Durbar's serious attention, and that a complete revenue code would be prepared as soon as possible, which would leave no room for committing oppression.— *Vide* Durbar Yad 1458 of 17th August 1874.

With reference to the second Yad (C.3) the Durbar informed me in reply that the ten years settlement having expired in most of the Mahals, a new and equitable settlement would forthwith be commenced.— *Vide* Durbar Yad dated 17th August, above referred to.

With reference to my third Yad (C.13) relating to the non-levy of accession Nuzzurana, the circumstances under which this advice was tendered to the Durbar, and the Durbar reply that the advice given would receive attention, will be separately noticed hereafter.

4. It will be remembered that this class of cases, relating to the grievances of the agricultural classes, was amongst the most serious of those investigated by the Commission. Hundreds of representatives from each separate Mahal in the Gaekwar State were flocking to Baroda to give evidence, and the evidence of a large number was recorded, which substantially confirmed the general allegations of oppression, &c., that were made. The first result of this investigation was the issue of a Proclamation by His Highness the Gaekwar, dated 27th December 1873, inviting all ryots having complaints to come fearlessly forward. At the same time the Residency was closed to all petitioners, who were systematically referred to the Durbar.

His Highness' Proclamation, 27th December 1873.

5. On the 11th April 1874 a copy of the Commission Report and proceedings was delivered to His Highness the Gaekwar, and on the 19th April in a Kharita to His Excellency the Viceroy and Governor-General, acknowledging the same, His Highness assured His Excellency that "the reforms suggested by the Commission under "paragraph 10 of their Report have already engaged my serious attention."

Commission Report given to His Highness, 11th April 1874.

6. On the 27th May 1874 I forwarded to Government, with my letter No. 152–553 of that date, three important petitions, which were received by post from ryots belonging to the Puttun Wurnuggur and Kheiraloo Mahals, alleging the most serious oppression that was then going on in certain villages named.

Complaints from Puttun Wurnuggur and Kheiraloo.

7. On the 8th June 1874, with reference to the above letter, I reported to Government, by telegram, that large numbers of ryots from the five northern districts had come to the Residency; that I had *declined an interview, and had referred them to the Durbar.*

Large assembly of ryots at Residency from five northern Purgunnas.

8. On the 16th June 1874 I forwarded to Government my Administration Report for 1873–74, with its confidential accompaniments. In the latter I brought to the notice of Government, in paragraph 19, that, at the close of the Commission I had received 1,385 petitions, most of which were from the agricultural classes, and that up to the date of the Report 296 more had been received.

Resident's Administration Report, 1873–74.

9. On the 17th June 1874 I forwarded to Government a petition received by post from certain ryots of the Nowsari Purgunna, complaining that they are obstructed in cultivating the land, a large proportion of which was lying waste, but that the Sowcars would not lend them money to take it up and satisfy the demands of the Durbar.

Nowsari Ryots.

10. On the 8th July 1874 I forwarded to Government a petition from the Patels of the village of Mogree of the Pitlaud Purgunna, complaining that Mohsuls were imposed on them by His Highness the Gaekwar to compel them to come to Baroda, whither they had been summoned by Messrs. Dadabhai Nowrojee and Narrayenbhai, and that there they were forcibly compelled to sign a paper which had been previously prepared directing the petitioners to cease from performing the functions of Patels. It is alleged that this action was taken by the Durbar to punish the petitioners for the part which they had taken in representing to the Commission the grievances of their village; thus infringing the proclamation already adverted to as having been issued for the protection of *bond fide* complainants.

Mogree Ryots, Pitlaud.

Retaliation contrary to British Proclamation.

11. On the 11th July 1874 I forwarded to Government, by telegram, information that certain cultivators from the Wurnuggur and Beesnuggur Districts were deserting their lands; that 2,000 cultivators were said to have collected at the Gaekwar village of Goonja, for reasons to be subsequently stated, and that cultivators from the Kheiraloo and Beejapoor Mahals where said to be emigrating to the Mahee Kanta and Prantej Districts. I also stated that Mr. Kazee Shahboodin was on the spot, and that the assigned cause for the emigration alluded to was the non-confirmation of certain promised remissions. On the 13th July, in continuation of this telegram and previous communications, I forwarded to Government with letter No. 202–728 of that instant, copy of a petition received from the Patels of Pehej Purgunna, Pitlaud, remarking that the matter alleged in the said petition appeared to indicate that the old practice of extorting agreements had been resumed by His Highness the Gaekwar in a spirit of retaliation entirely opposed to the proclamation issued by me under the authority of the Baroda Inquiry Commission.—*Vide* Appendix D. to their Report.

Ryots of Wurnuggur, Beesnuggur, Kheiraloo, and Beejapoor Purgunnas.

Pitlaud.

12. On the 16th July, in continuation of my letter of the 13th idem, I forwarded to Government copies of two further petitions from the representatives of the villages of Khanpoora and Syud Wasna in the Baroda Purgunna, remarking that apparently no measures of reform had up to date been instituted by the present administration in the Revenue Department of the Gaekwar State.

Complaints from Baroda Purgunna villages of Khanpoora and Syud Wasna.

13. On the 17th idem I received from Government letter No. 4041, dated 15th July, informing me that Government awaited my Report on the subject of my telegram of the 11th instant. This Report I submitted to Government in my letter No. 214–753, dated 23rd July 1874, which was to the following effect:—That the cultivators from Wurnuggur, who were reported to have left their village and have gone to the Gaekwar's Mehwasee village of Goonja, came to Baroda to complain; and, *not having been listened to by the Durbar*, they came to the Residency: but that* I *had declined to see them*, and had advised their return to the Mahals at once, which advice they followed. That, in consequence of their departure, I had not been able to take down their statements, but that their case was substantially as follows, viz.: That a large number of cultivators in the Wurnuggur district, after being induced to pay up arrears of assessment amounting to 12 annas in the rupee, on the understanding that the remaining four annas would be remitted, were informed by the Wahivutdar, as soon as their seed was in the ground, that the remaining four annas would be exacted. Whereupon a large body of men, said to amount in number to 2,000, decamped in a body to the Mehwasee village of Goonja, which is situated between Wurnuggur and Beesnugger, close to the Mahee Kanta border, and placed themselves under the protection of the Mehwasee Patels of that village.

Intervention of Mehwassee Girassias to protect the ryots.

14. I mentioned to Government that I had questioned the Dewan Nana Saheb on the subject and was informed by him that the assembly of Wurnuggur ryots at Goonja was true, but that the numbers had been exaggerated. I commented upon this admission as an important one, because it afforded reliable evidence, that a naturally quiet and peaceable race of people had been driven to throw themselves on the protection of the Mehwasee Girassia element, which, it is well known, would fight for any one who claimed their protection under circumstances which they believed to be oppressive.

15. I, at the same time, submitted to Government copy of a petition from the representatives of the Beesnuggur ryots, alleging certain serious acts of oppression, which it was stated had been reported to Mr. Kazee Shahboodin, who gave no reply, and to Mr. Dadabhai Nowrojee, who did nothing.

Inactivity of the new administration.

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* NOTE.—The Government will remember that this course was systematically followed by me from the departure of the Commission up to about 3 weeks ago, when I was forced to interfere, owing to the repeated assemblies of large numbers of this class near the Residency.

16. I concluded by expressing the conviction that there could be no doubt regarding the general spirit of discontent which still continued to manifest itself amongst the agricultural classes in the Gaekwar districts generally; owing to the same causes as were found by the Commission to exist, heightened by the spirit of retaliation which had since been manifested towards them by the Gaekwar district officials.

Purgunnas of Nowsari and Khangee Mahal.

17. On the same date I forwarded to Government, with my letter No. 216–758, copies of two petitions from certain ryots residing in the villages of Abrama in Nowsari and Gotree in the Khangee Mahals. The first petition alleged that the petitioners were subjected to serious oppression by the Durbar Kamdar and Mahal Wahivutdar. That the old settlement of their village having expired, they could get no new settlement made; that they had petitioned the Sir-Sooba and Mr. Dadabhai on the subject, and were first informed that, as their petition was not written on stamped paper, nothing could be done; and, in reply to a petition subsequently made on stamped paper, were informed that the matter should be reported to the Sooba who had himself referred them to the Durbar.

Khangee Mahal alleged breach of faith.

18. The second petition alleged that promises had been made to petitioners, that if they paid up the old assessment Government would see what reductions could be made; the whole assessment was in consequence paid up, but many of the cultivators are not permitted to cultivate; that four of the Patels had been thrown into confinement, and the ryots were ordered to pay assessment *in excess* of the old rates.

Khangee Mahal.

19. On the 15th August 1874 some 20 persons residing in the village of Hurnee, Khangee Mahal, appeared at the Residency and were at once told that they *should go and represent their complaint to the Durbar.*

The petitioners represented that the Wahivutdar was oppressing them to pay up four annas in the rupee of arrears. That they had represented their case to Mr. Dadabhai and Kazee Shahboodin without any redress being obtained. They also represented that certain persons of their village had been ill-treated and imprisoned the day previously for not supplying certain articles that were required to be given gratis on the occasion of the expected visit of His Highness the Maharaja.

Arrears of Gadee Nuzzurana.

20. As having an intimate connection with the general subject of the grievances of the agricultural classes, it will be remembered that His Excellency the Viceroy, in Government of India, letter No. 1586P. of 25th July 1874 to the Government of Bombay, amongst other measures, recommended by the Commission, which the Resident was directed to advise His Highness the Gaekwar to adopt, made special allusion to the accession Nuzzurana tax which His Highness the Gaekwar was advised not to take where there was a fixed land settlement.

21. With reference to this advice, I was directed by Bombay Government, letter No. 22P. of 6th August 1874 to take no action on this advice pending further orders.

Complaints regarding Gadee Nuzzurana.

22. So numerous, however, were the complaints which were constantly being received by me regarding the continued oppression in connection with this tax that I found it necessary to address to Government a letter, No. 271–922 of 31st August 1874, in the postscript to which I brought to notice that unduly severe measures were being taken in the Kurree and Puttun Purgunnas to collect the arrears of the Gadee Nuzzurana or accession tax; with reference to which I solicited early orders about advising His Highness the Gaekwar not to levy accession Nuzzurana where there was a fixed land settlement.

Kurree and Puttun Purgunnas.

Political Agent, Rewa Kanta.

23. In continuation of this letter on the 2nd September 1874, I reported to Goverement in my letter, No. 274–929 of that date, that I had received a communication from the Political Agent, Rewa Kanta, complaining of the forcible means adopted by the Durbar to recover the arrears of Gadee Nuzzurana from certain Rewa Kanta subjects holding Sulamee lands in a border village belonging to His Highness the Gaekwar, and requesting me to move the Durbar to put a stop to them. I again solicited early orders regarding the propriety of issuing authoritative advice to the Durbar on the subject.

Revenue complaints from Purgunnas regarding Gadee Nuzzurana.

24. In continuation of my letter of the 2nd September, I reported to Government in my letter No. 279–945 of the 7th September, that I had received by post several petitions from Patels and ryots of the Purgunnas of Puttun, Wurnuggur, Kurree, and Pitlaud complaining of the oppressive measures adopted by the Gaekwar Government to realize the arrears of the Gadee Nuzzurana. Under these circumstances I again solicited early orders as to the action which I should take upon His Excellency the Viceroy and Governor General's advice to His Highness the Gaekwar to take no accession Nuzzurana where there is a fixed land settlement.

25. On the 16th September I received a Government Resolution, No. 5376 of 14th September in which I was directed to communicate to His Highness the Gaekwar authoritative advice in the matter of the accession Nuzzurana in accordance with the orders of the Government of India, viz., that he should take no accession Nuzzurana where there is a fixed land assessment.

Authoritative advice given regarding Gadee Nuzzurana.

26. In accordance with these instructions I, on the 16th September, addressed a Yad to the Durbar to the required effect.

27. As reported to Government in paragraph 3 of my letter No. 316–1100 of 7th October 1874, I spoke to the Minister, Mr. Dadabhai Nowrojee, on the subject in consequence of my receiving no reply to the Yad above referred to and as the complaints of the ryots continued, he then informed me that the subject was under discussion, and that it might have a very bad political effect were it to be admitted to the people that the Gadee Nuzzurana would not positively be collected. He therefore proposed to enter it into the accounts as "outstanding balance" (Baki). I informed Mr. Dadabhai that I could have nothing to do with the private arrangement referred to, and that all I had to do was to advise His Highness not to collect the tax in accordance with the advice of His Excellency the Viceroy.

28. Finding, however, by the 23rd September 1874 that no order had been issued by the Dubar and that pressure was still being put on the ryots in connection with the tax, I on that date addressed to the Durbar a Yad in which I informed them that for nearly a month past written petitions had been received by me through the post from the Purgunnas of Puttun, Wurnuggur, Kurree, Pitlaud, Beesnuggur, Kheiraloo, &c., complaining of the oppression to which they were subjected, by Mobsuls and other means, to pay up the balance of the accession Nuzzurana still due. I therefore again invited His Highness' attention to the authoritative advice of Government conveyed in my Yads above quoted.

Resident's Yad No. 1771, 23rd September 1874.

29. On the 24th September, I again had a conversation with Mr. Dadabhai on the subject, in which he repeated the same arguments that he had previously used, viz., that it might have a bad political effect were it publicly admitted that the Gadee Nuzzurana would be remitted under the pressure of Government. I replied to Mr. Dadabhai the same as before, saying, that I was instructed to tender the advice which I had offered, and that though anxious in every way to uphold His Highness' legitimate authority, I was not at liberty to qualify that advice in the manner suggested.

30. On the 27th September I received from the Durbar the following Yad in reply to mine of the 16th idem, conveying the authoritative advice of His Excellency the Viceroy and Governor General :—

Written reply received from the Durbar.

"Residency Yad, No. 1731 (C.13), of 16th September 1874, about the non-levy of accession tax wherever there is a fixed assessment, has been received. In reply, we beg to state that the advice given will receive attention."

31. On the same date I received from the Durbar another Yad in reply to mine of the 23rd September 1874, alluded to above, relating to the arrangements which it was proposed to make for the ryots of Kurree, Puttun, &c., &c. In this Yad the Durbar expressed their satisfaction that the people who came to the Residency were referred to the Durbar, but alleged that some of the persons had not appeared there. They also stated that the cases of those who *did come were properly enquired into.*

Alleged non-appearance of certain petitioners referred by Resident to Durbar.

32. On the 28th idem large numbers of agriculturists again assembled at the Residency gates, and as I had repeatedly referred them to the Durbar, where they declared they could not obtain any reply, I resolved to take down their statements, and I forwarded them to the Durbar with my Yad, No. 1798, of that date.

33. In this Yad, after enumerating all the correspondence which had previously taken place on the subject, I brought to His Highness' notice that on the day of writing I had been again importuned by large numbers of agriculturists regarding the collection of the accession tax, and had taken down the statements of the leading man, named Keywal Purshotum, Patel of the village of Panchote, Purgunna Kurree, who stated that about eight or nine months ago foot Mohsuls were imposed at his village in connection with the Gadee Nuzzurana tax, for which Mohsuls they had to pay about Rs. 70, but that they were afterwards removed; he further stated that since *the latter part of August last, five Sowars and four footmen* had again been posted as Mohsuls at his village in order to procure the payment of the balance of accession tax which amounted to Rs. 2,000. The deponent greatly complained of the additional expense incurred by these Mohsuls, which amounted, as he alleged, to no less than Rs. 198-12-0 per mensem, the details of which were furnished for the information of His Highness the Gaekwar. The deponent further stated that besides being incessantly dunned for payment by these Mohsuls they were threatened

Residency Yad No. 1731 (C.13) of 16th September advising not to levy Gadeh Nuzzurana. Residency Yad No. 1771, dated 23rd September. Durbar Yads Nos. 1691 and 1692, dated 27th September 1874.

His Excellency the Viceroy and Governor-General's Kharita of 25th July 1874 was delivered to His Highness on the 3rd August 1874.

Threats of this nature, affecting the caste of respectable persons, were frequently complained of.

with imprisonment in a cage with Dhers if they refused to pay up. Deponent further stated that he and many others from his village had represented their grievances to the Wahivutdar of Kurree, who, after importuning them to pay up the arrears, and refusing to listen to anything what they had to say, threw eleven of them into prison. The deponent proceeded to add that he and two of his villagers thereupon proceeded to Baroda and waited upon Mr. Kazee Shahboodin, with whom they obtained an interview, and were informed that *the arrears of accession Nuzzurana must be paid*, and that if they would agree to pay, they should be allowed a reasonable time. Under these circumstances the petitioners, I informed His Highness, had come to me, and I suggested that should the allegations made be found to be correct, His Highness would do well to take immediate steps to give substantial effect to His Excellency the Viceroy and Governor-General's advice regarding the non-levy of this tax.

34. On the 1st October another large assembly of the ryots took place at the Residency gates, and on this occasion I confronted them all with Mr. Dadabhai Nowrojee when he paid his usual visit on that day. I at the same time handed to him a statement showing roughly who the petitioners were and what were their claims. This statement, which was given at length in my letter to Government, No. 316–1100, of 7th October 1874, paragraph 9, prominently draws attention to the following grievances:—

1st. Refusal by Durbar village authorities to allow the crops to be cut.

2nd. Demand made for the security of two Sowcars (bankers) for *arrears* and current year's revenue.

3rd. Increase of Sulamee tax by short, *i.e.*, fraudulent measurements.

4th. That in consequence of the obstructions above mentioned their crops were being ruined and carried off by thieves.

5th. That they have represented their case to the Durbar, but could obtain no redress.

With reference to this complaint I was informed verbally by Mr. Dadabhai Nowrojee that the petitioners had been allowed to cut their crops.

35. On the 2nd October I received a reply from the Durbar to my Yad, No. 1798, dated 28th September (see paragraph 32 above). The Durbar alleged that if the representations made to me regarding the imposition of Mohsuls be correct, such representations had reference to a time preceding the arrangements which the Durbar stated that they had made in their Yad, No. 1691 of 27th September 1874, in reply to my Yad of 16th idem conveying the authoritative advice of His Excellency the Viceroy.

Durbar reply about Kurree.

It occurred long after I had tendered the Government advice.

NOTE.—Copy of the Durbar Yad accepting advice is given in paragraph 30 above, from which it will be seen that no arrangements are referred to.

The Durbar also alleged that the representations made to me by the petitioners that they had obtained an interview with Mr. Kazee Shahboodin, and had been informed by him that they would have to pay the arrears of Gadee Nuzzurana were not correct.

Note by Resident. — Having made careful enquiry into this point, I believe that the statement made to me by the petitioners is substantially correct.

36. On the 5th October Mr. Dadabhai came specially to the Residency after his usual visit to ask me to give a Purwana for local troops of the Gaekwar to proceed to Pitlaud, as disturbances had broken out there. I granted the required Purwana for 100 infantry and 25 sowars, which were despatched on the same evening. I, at the same time, addressed the Magistrate of Kaira, informing him of the despatch of troops, and requesting information regarding the alleged disturbances, in which, I was informed by Mr. Dadabhai, certain British subjects from the Kaira District were concerned.

Disturbances in the Gaekwar Purgunna of Pitlaud.

37. On the following day I received a formal Yad from the Durbar relating to the disturbances in question, stating that about 50 armed men from the British District of Mata went to the Gaekwar village of Mangrole to create a disturbance, but that no collision actually took place; similarly that the Gaekwar ryots, who had emigrated to British villages, were in the habit of coming into Gaekwar territory to remove their crops. The Durbar, therefore, requested that communications might be made to the Magistrate of Kaira to put a stop to these proceedings.

38. In reply to this representation I, on the same date, addressed the Durbar a Yad, saying that I had issued the Pass for the infantry and sowars as requested, but that with regard to the causes of this disturbance, which were alleged to have emanated partly from British districts, I had called for information from the Collector and Magistrate. I at the same time invited the serious attention of His Highness to the correspondence relating to similar disturbances in the Pitlaud District of His Highness, which had been going on since April 1873, all of which tended to show that the Kolis of the Pitlaud District were the real cause of the disturbances in question, which had arisen from widespread discontent caused by the Local Revenue arrangements of His Highness' Government. I at the same time furnished His Highness with a complete list of the correspondence referred to, extending from April 5th 1873 to October 18th 1873, including the evidence recorded on this important subject by the

Baroda Enquiry Commission. Copies of the Durbar Yad referred to, and my reply, were at the same time forwarded for the information of the Magistrate of Kaira, and also to Government in paragraphs 14 and 15 of my letter, No. 316–1100 of the 7th October 1874.

39. Again, in continuation of the same subject, I on the 16th October 1874 addressed to Government copy of a Yad which I had written to the Durbar regarding the unsettled state of affairs in Pitlaud. With this Yad I forwarded to the Durbar a serious statement signed by 17 or 18 representative Patels of the Pitlaud Purgunna, setting forth that, although they were burdened with excessive taxation, they were subjected to the expense and annoyance of an organized system of Mohsuls to an extent before unknown. In this statement the petitioners gave a clear account of the manner in which they had been subjected to successive increased taxation including Gadee Nuzzurana during the last ten years. With reference to this, I pointed out to Government, in paragraph 3 of my letter referred to, that the questions at issue did not refer primarily to re-assessment, the settlement of which required a reasonable time, but to the collection of arrears of taxes, which had been already commented upon and condemned by the Commission, by means of an oppressive system of Mohsuls.

40. It will also be seen, by referring to the statement, that the petitioners allege as one of their main grievances that they are unable to procure a settlement of their accounts for the last ten years, and that they have reason to believe that could they do so no arrears would be found to be due by them; hence the unusually oppressive character of the excessive Mohsuls that had been heaped upon them, causing both heavy pecuniary loss, and such intolerable annoyance as drove them to leave their villages and come to Baroda.

41. It will be seen from the accompaniments to my letter to Government, No. 330–1138, dated 16th October, under reference, that the petitioners in this case state that they have frequently represented their grievances to the Durbar since the departure of the Commission from Baroda, and that the petition annexed, dated 16th January 1874, was presented by them to the Maharaj himself, by whom it was given to Mr. Dadabhai, and that the second petition, dated 28th August 1874, was presented to Mr. Kazee Shahboodin by the Mooktyar, Motibhai Dayabhai.

Petition from ryots of Bullesur, Purgunna Nowsari.

42. On the 19th of October I forwarded to Government, with my letter No. 339–1154 of that date, a petition from the representatives of the ryots of 6 villages in the Bullesur Purgunna of the Nowsari District, stating that the Wahivutdars named Govind Necha and Mukunjee Govindjee demand from them three-fourths of the current year's assessment in advance; and, in order to compel them to pay it, the said Wahivutdars do not allow their cattle to go out to graze, or to have access to the ordinary watering places. Daily Mohsuls are said to be placed on them, and four annas is levied from each of the petitioners to pay them. If the Mohsuls are not paid, petitioners' clothes and household utensils are taken away. They complain that the assessment for the previous year *was realized* in an oppressive manner, and that it was with great difficulty that they could commence cultivation for the current year. Under these circumstances they state that it is utterly impossible to pay in advance three-fourths of the assessment as demanded. The petitioners further state that their rice crops have been damaged by the scarcity of the after-rains, that their difficulties are increased by the practice of the Durbar officials selling their carts and bullocks to realize arrears. The assessment is stated to be extremely exorbitant, and, owing to the oppression committed by the Kamdars, petitioners have been reduced to penury, their children remain unmarried, and their credit with the Sowcars has been destroyed.

*Vide* Baroda Commission Report, Appendix E., cases 28, 29, 30, and 65, Schedule II. Also Appendix A., remarks by Commission on case 65, Schedule II.

43. It will be seen that in substance this petition is similar in character to the statements made by representatives from the same 6 villages at the time of the Baroda Enquiry Commission. The petition under reference I forwarded to His Highness the Gaekwar for consideration with my Yad No. 1162, dated 16th October 1874, which was an accompaniment to my letter to Government of the 19th idem, above referred to.

44. On the 20th October the annual Dussera festival took place; a serious manifestation of discontent amongst the Sirdars and military classes had made itself apparent during the few preceding days, which circumstance will receive due notice under the proper head further on. Amongst the most dangerous of the adherents of the Sirdars, as prominently noticed by the Baroda Enquiry Commission, are the Sindees and Arabs, many of the former of whom have, under the encouragement of their Sirdars, taken to peaceable occupations as cultivators in certain villages of the Baroda, Kheiraloo, and Uttursoomba Mahals. These men enjoy most of their lands on somewhat more favourable terms than common cultivators, on the ground that they have performed military service for the State, and are a class desirable to propitiate. They also own 12 villages in the Baroda Purgunna, which have been purchased by their ancestors, and is on the footing of ordinary alienated land.

45. From the Sindees residing in these villages, I have received a petition complaining that they have been subjected to a tax known as the Inam Committee Tax, which was first imposed on alienated land by His Highness Khanderow, but which is alleged to have been specially remitted in the case of these petitioners, for services rendered by His Highness Khanderow himself, whose original order the petitioners produce. They added that that tax with others had been again imposed by the present Gaekwar, and that their crops were not allowed to be

cut, and that they were subjected to the same oppression as has been so frequently detailed by others.

46. Considering that the petition was one of great importance, especially at the present juncture when overt signs of discontent had been already manifested, I addressed the Durbar a Yad dated 20th October earnestly pointing out that if the facts stated in the petition were true, the most serious obstacles were being placed by the Durbar in the way of giving substantial effect to His Excellency the Viceroy and Governor-General's advice, and to His Highness the Gaekwar's own promises, so often repeated regarding it.

47. It should be added that the petitioners affirm that they had made repeated petitions on the subject of their grievances to Mr. Dadabhai Nowrojee, and that he gave them no redress, although one of their Sirdars and their Karkoon frequently attended upon him to represent their case.

48. On the 22nd instant, when Mr. Dadabhia called upon me, I specially brought to his notice the case of the Sindees referred to, when he assured me that until yesterday, when sent up with a note from the Resident, he had heard nothing of their case.

49. It is right, however, to add that the petitioners allege that they have submitted by post to Mr. Dadabhai several petitions, for the last of which, forwarded in a registered packet under date the 7th October 1874, they produce a post office receipt.

50. Referring to paragraphs 42 and 43 above, about 75 ryots came from the Nowsari Purgunna to complain to the Durbar about the 16th of October 1874, and having failed to obtain satisfactory redress, they appeared at the Residency on the 23rd idem. Their statement was forwarded by me to His Highness the Gaekwar for consideration with my Yad No. 2019, dated 26th October 1874; and copies of both that Yad and the accompanying statement were submitted to Government with my letter No. 353–1199 of 1874, dated 27th October 1874.

Further complaints from the Nowsari Purgunna.

The statement in question represents the condition of the petitioners to be rather worse than it was when they complained before the Baroda Enquiry Commission last year. Prohibition to cut their crops, which are now ripe; excessive mohsulling; refusal on the part of the Durbar to settle their accounts for the last 10 years, and instead thereof a demand to pay up all arrears in full, and to furnish Sowcar's security for the current year's assessment, constitute their immediate and pressing grievances in common with the other Purgunnas of the Gaekwar State specified above. This statement was signed by 20 representatives of the District.

## PART II.

### Grievances of the Sirdars and Military Classes.

51. It will be remembered that in this class of cases forty complainants were examined by the Baroda Commission, and that other complainants* were in attendance, whose cases were not enquired into, because it was considered that a sufficient amount of evidence had been adduced to establish the general truth of the grievances adduced, and also to entitle all petitioners in this class to separate enquiry and redress at the proper time.

* *Vide* Appendix F. of the Baroda Commission Report.

52. The opinion recorded by the Commission upon this group of cases is as follows:—

"The uncertainty of service and liability to summary dismissal, without special cause or reason, to which these classes appear to have been subject at the hands of previous Gaekwars, have been seriously aggravated since the accession of the present Chief by the wholesale reductions he has carried out amongst them within a comparatively brief period, generally in an arbitrary manner, and, as regards the followers and dependants of his predecessor, rather apparently in a spirit of hate and vengeance than from a feeling of State necessity."

53. Referring to this opinion of the Commission, His Excellency the Viceroy directed, in paragraph 9 of letter No. 1586P. of 25th July 1874 from the Secretary to Government of India to the Secretary to Government of Bombay, that the Gaekwar should be advised, in consultation with the Resident, to frame some general rules for adoption in giving effect to such reductions in future which will ensure their being carried out with due consideration to the claims of the parties concerned, and will prevent the scandal and risk that must attend the sudden deprivation, without compensation or other provision of any sort, of large numbers of old or hereditary military servants, of the service on which they are wholly dependent for the means of subsistence.

54. With reference to these instructions of His Excellency the Viceroy, I was directed, in Bombay Government letter No. 22P. of 6th August 1874, to note that this direction pointed exclusively to the establishment of proper rules under which the future operations of the Durbar, for reducing their military expenditure, are to be carried out. I was further directed that if pressed by any of those whom the Commission held to have been unjustly treated, to obtain compensation for them, I was to apply for instructions before making any authoritative representation, which would not preclude friendly suggestions for an equitable settlement.

55. The advice above referred to was tendered to the Durbar in my Yad No. 1502C.7, of 12th August 1874, which formed an accompaniment to my letter to Government No. 254–854 of 12th August 1874.

56. In reply to my Yad C.7, I was informed by Durbar Yad No. 1460 of 17th August that information had to be collected and that the Durbar would communicate their views hereafter.

57. I deem it my duty to bring prominently to notice, with regard to this highly important class of cases, that it has been the subject of the most careful enquiry by me for the last twelve months, and the result of my enquiries has been still further to establish the truth of the opinion expressed by the Commission regarding the general character of the reductions made by the present Gaekwar, viz.: that they have been made rather in a spirit of hate and vengeance than from any *bonâ fide* State necessity; and that in point of fact some of the oldest and most respectable Sirdars in the Baroda State have been not only reduced but systematically plundered of personal property, as well as pay and allowances, since the accession of the present Gaekwar.

58. That the alleged reductions are due to the personal action of the Maharaj rather than to any *bonâ fide* State necessity is sufficiently proved by the fact that the most important of the alleged reductions have occurred in the case of Sirdars, &c., belonging to the British Contingent of 3,000 Horse, the strength of which is obviously incapable of permanent reduction without the consent of the British Government; and that even alleged reductions in His Highness the Gaekwar's local levies are for the most part no reductions at all, as old and highly respectable servants of the State have been merely turned out and deprived of all their property to make way for some new favourites whom the Maharaj wished to advance without any expense to the State.

59. It is obvious that cases of this sort come within the scope of His Excellency the Viceroy's advice to His Highness the Gaekwar in the Kharita of 25th July last, in which it is stated:—
"I deem it, therefore, necessary to remind you that both by the terms of Treaties and by
"constant usage the British Government has a right to advise you in public concerns affecting
"the good of the country, and to require the settlement according to equity and reason of any
"measures shown to be improper or unjust."

60. In accordance with the instructions of the Bombay Government, I have, since the receipt of the Governor-General's instructions, been in constant communication with Mr. Dadabhai Nowrojee and His Highness' Minister, with the view of negotiating an amicable settlement of many of these important cases.

61. I have also, as reported to Government in paragraph 9 of my letter No. 343–1168 of 20th October instant, prepared notes of about 20 of these cases, all of which are illustrations of the same system of spoilation and injustice adverted to above in paragraph . Some of these notes I have given to Mr. Dadabhai at his special request, in order to assist him in procuring a settlement of the different cases from the Maharaj, a few of which he informed me had been agreed to, and orders were alleged to have been issued by himself regarding them; but no practical results have been obtained, as it appeared that the orders said to have been issued by Mr. Dadabhai were not obeyed. It will thus be seen that I have from the commencement cordially given to Mr. Dadabhai every assistance in my power; in fact, I may confidently say that but for my assistance he would have been, from his utter inexperience in the details of administration, totally unable to grasp the general principles upon which alone any statesmanlike settlement of these difficult cases could be effected.

62. I at the same time drew up a statement showing the general principles which I considered should guide me in the negotiation of these cases, and as forming the basis upon which I should advise Government to act in any of them, the amicable settlement of which could not be effected.

63. While then it is my duty to note for the information of Government that a settlement of these cases appears to be as remote as ever, it will now be necessary briefly to review the serious state of things which has arisen in consequence of large numbers of Sirdars and military followers being reduced to absolute destitution and impending ruin.

64. It will be remembered that many of the complainants who appeared before the Baroda Commission deposed that their pay and allowances were in arrears for upwards of two years. Under the pressure and the reported advent of the Commission, a number of the principal Sirdars, &c. received chits, *i.e.*, official orders on the public Treasury for the payment of their arrears, and were in consequence induced to depose that their grievances on that score were at an end. Before the Commission left Baroda I informed them that, notwithstanding the issue of these money orders, most of the persons in question failed to obtain payment, their chits or money orders being in point of fact dishonoured. From that day to this the Sirdars, &c. have been kept in arrears.

65. I think it right at this point to bring to the notice of Government that I was at pains to impress on the Commission the great danger of allowing this class of cases to remain unsettled. The Sirdars, Silledars, &c. had for some months previously shown signs of serious discontent at the treatment to which they had been subjected by the present Gaekwar, and on a letter addressed by me to the President of the Commission, No. 218–1029, dated 13th November 1873, I showed that it was only at my intervention that they agreed to abandon their menacing attitude.

66. Again, on the 25th November 1873, I submitted a statement to the Commission (*vide* Appendix G. of their proceedings) bringing forcibly to notice the serious consequences which had been and still were likely to ensue from the action taken by the Maharaj with regard to these classes.

67. Since the departure of the Commission from Baroda in December 1873, these Sirdars and their adherents have been constantly petitioning the Durbar for the payment of their arrears and a settlement of their cases; but not only has no enquiry of any sort been instituted, but in several instances active measures of retaliation have been practised against them, as reported to Government in my endorsement on a petition from Kesseerao Rajey Sirkey, No. 192–706, dated

8th July 1874. In paragraph 8 of this endorsement I stated that "the allowances of some of "the Sirdars have been stopped since the Commission. What they consider to be degrading "service, such as attendance upon Luxmeebai, has been demanded from those who have hitherto "enjoyed merely pensionary stipends. Old creditors have been invited to file suits against the "Sirdars, who, be it observed, have not received their pay for the last three years, and are "deeply involved in debt, while the usual advances made to them by the bankers are dis-"couraged, if not prohibited."

68. Since that Report was written I have been aware that the grievances described have been steadily on the increase in various ways, and the feelings of discontent which have been thus engendered finally culminated in a serious ebullition, caused by the alleged vindictive conduct of the Maharaj towards a Sirdar named Chundrarao Kuddoo, as reported to Government in the marginally noted emergent correspondence.

1. Resident's telegram to Secretary to Government, 16th October 1874.
2. Letter to Government, No. 331–1139, dated 16th idem.
3. Letter No. 333–1148, of 17th October.
4. Telegram dated 19th October 1874.
5. " " " " "
6. Government telegram, dated 19th October 1874.
7. Resident's telegram, dated 20th October.

69. On the occasion in question my influence was requested by Mr. Dadabhai Nowrojee to put an end to the complication which had arisen by procuring the arrest of the Sirdar in question, cause the Sirdars to disperse, and thus endorse the Durbar proceedings, of which I had only an *ex parte* account. Eventually the case was settled at my advice, as reported in the correspondence, and the Sirdars, &c., returned to their homes.

70. The chief feature in this incident to which I would invite prominent attention is the evidence which it affords of the inflammable state of this important and influential body of men, and of the danger which must result from leaving them absolutely destitute and without any hope of an equitable settlement.

71. Feeling the emergency of the present case, I submitted to Government on the 20th October 1874 with my letter No. 343–1168 of that date, certain specific proposals regarding the settlement of this important class of cases. I pointed out that the complexion which they had now assumed rendered it in my opinion imperative in the interests of the peace and tranquillity of the country that some immediate action should be taken by Government. I drew at the same time prominent attention to the following points:

1st.—That the Sirdars, Silledars, Mankuries, Sindees, Arabs, &c., adverted to in the Commission Report, were at the present time in circumstances of absolute want, and, quite independent of the settlement of their cases, they required advances to be made to them at once, in order to preserve themselves and families from utter want.

2nd.—That though I had been in constant negotiation with Mr. Dadabhai, regarding the settlement of certain of these cases, not only had not a single case been settled by the Maharaj as agreed upon between his Minister and myself; but, as in the case of Sirdar Kuddoo, instead of paying him his arrears as agreed upon; a criminal case was a few days after got up against him, for the purpose, as I believe, of getting rid of him altogether and of intimidating the remainder.

72. With regard to the first point, which appears to be one of great emergency, I suggested that His Highness the Gaekwar should be advised at once and without any further delay to advance to all Sirdars, Silledars, &c., who have been deprived of their pay for the last 3½ years and upwards, from four to six months pay according to circumstances. I stated that I believed this measure to be actually necessary to avert actual outbreak, and that unless this was done I could not be responsible for any consequences that might ensue.

73. With reference to the second point, viz., the settlement of the cases, I invited prominent attention to the fact that the main difficulty was caused by the great accumulation of debt in which the whole of the military class appeared to be involved. I also pointed out the apparent inability of Mr. Dadabhai to procure a settlement in any of these cases with the Maharaj; and, bearing in mind the serious complexion which affairs had assumed by the numerous signs of disturbance which had been manifested during the past 18 months, I expressed the opinion that I should be formally empowered to arbitrate and adjudicate in these cases, subject to the approval of Government, and that, in order to enable me to do this effectually, I should be authorized to call for such evidence from the Durbar as I might require.

## PART III.

### Grievances of the immediate Members of the late Gaekwar's Family.

74. The opinion of the Commission on this group of cases is thus summarized in paragraph 8, Group 11, of their Report:—

"The proceedings of the present Chief have been unusually harsh and severe towards his predecessor's relatives, and of a most vindictive and sweeping character towards his favourite followers and dependants."

75. "With reference to this class of cases His Excellency the Viceroy and Governor-General, in paragraph 10 of the letter of instructions to the Government of Bombay, before referred to, directed that His Highness the Gaekwar should be required to make suitable provision for all the immediate members of the late Gaekwar's family, and permit the ladies to reside away from Baroda. Their allowances should be fixed with the approval of the Government of Bombay,

and they can be paid according to lists to be furnished by the Gaekwar, the money being recovered from the Baroda State."

76. With reference to this advice, I received from the Government of Bombay the following instructions:—

"This requisition should be made immediate in the case of Rukmabai. No communication should be made to the Gaekwar or to the Durbar about any other lady without previous consultation with Government."

77. The general advice of His Excellency the Viceroy was accordingly communicated by me to His Highness the Gaekwar with my Yad No. 1533 C. 11 of 17th August 1874; special care being taken by me that my communication should be general in its terms, no allusion being made to any specific case, that of Rukmabai being already under negotiation.

78. In reply to my Yad No. C. 11 on this subject, I was informed by the Durbar as follows:—

"With respect to the advice tendered, I beg to state that I quote the decision of the Bombay Government in my Yad No. 177 * of 1874, and fully trust that the British Government will not interfere with the Gaekwar family affairs. The arrangements for the near relatives of this Government are made according to their merits. Rukmabai's case is known to you, and according to Yad No. 1346 of 1874 sent to the Residency, arrangements have been proposed for her in accordance with the advice of the Governor General, and have been communicated to you orally."

* The Yad referred to relates to the case of Rukmabai, in which allusion is made to the case of the present Maharaj himself when in confinement in Padra. The non-relevancy of the argument used I carefully pointed out in my letter to Government, No. 95–356, of 8th April 1874.

NOTE.—The Durbar Yad No. 1346 of 1st August 1874, was sent to Government with Resident's letter 242–835 of 8th August 1874. It expresses regret that Government should interfere with the Gaekwar family matters, and that the case of Rukmabai should form the subject of ordinary official correspondence; but that to meet the wishes of the Governor-General a settlement would be privately made.

79. It will be remembered that the case of this lady has formed the subject of a voluminous correspondence from the month of September 1873 up to the present time. It is satisfactory, however, to note that under the pressure of His Excellency the Viceroy and Governor-General, His Highness the Gaekwar was at length induced, in the month of September 1874, to effect what, under the circumstances, I consider to be a fair settlement, (*vide* my letter to Government No. 291–992 of 16th September 1874, with accompaniments,) from which it will be seen that Her Highness' debts, contracted since the stoppage of her allowances and the portion of her Stridhun now in the possession of the Maharaj, are the only points that still remain for adjustment. Her Highness Rukmabai left Baroda for the Deccan in charge of her uncle and aunt, &c., on the 16th September 1874, and the Maharaj has agreed to give her an annual maintenance allowance of Government Rs. 6,000, and a lump sum of Rs. 5,000 for journey expenses and outfit. She was also allowed to take with her such jewels of her Stridhun as were actually in her possession, the value of which the Durbar estimated at Rs. 30 to 35,000.

Case of Her Highness Rukmabai, widow of Aba Saheb Gaekwar, brother of the present Maharaj.

80. The next case to which I would invite the attention of Government is that of Her Highness the ex-Ranee Jumnabai, widow of the late Maharaj Khunderow.

Case No. 2.—Case of Her Highness Jumnabai, the widow of His Highness the Maharaj Khunderow Gaekwar.

81. It will be remembered that this case also has formed the subject of a most voluminous correspondence ever since the death of the late Gaekwar in the month of November 1870. This lady left Baroda for the Deccan in January 1872, on an allowance of Baroda Rs. 36,880 per annum, or about Government Rs. 31,000, according to the current rate of exchange. She has been deprived of all other property whatsoever, including jewels, Stridhun, &c., by the present Maharaj, and though she has incessantly been petitioning Government to interfere on behalf of herself and her young daughter, it has been found impossible up to the present time to induce the Maharaj to pay any attention to the frequent representations and remonstrances which have from time to time been addressed to him in accordance with the instructions of Government.

82. With reference to this serious case, I, in the month of April 1874, received from Government two petitions from the Ranee, upon which I was required to report. This reference obliged me to make a careful perusal of all the previous correspondence relating to this lady's case; the result of which was to satisfy me that it was one of unusual hardship and scandal, the circumstances of which I found had never been properly laid before Government. I therefore submitted to Government a comprehensive report upon the whole case, together with a complete summary of the previous correspondence on the subject.

83. In this Report I invited prominent attention to the sad fate which overtook all the chief agents and advisers of this unfortunate lady, and, in fact, of all who were in any way connected by kindred, friendship, or profession, with her late husband; and I pointed out that nearly every representation to Government from the ex-Ranee related to two distinct subjects:—

1st. To her own claims and pretensions as the widow of Khunderow Gaekwar.

2nd. To allegations of personal ill-treatment and oppression at the hands of the present Gaekwar from the time that she was rumoured to be pregnant, in the early part of 1871, until she finally left Baroda in January 1872. I invited prominent attention to the fact that the second of these points had apparently received no notice whatever

from Government throughout the whole of the correspondence. I clearly pointed out that the case of the Ranee Jumnabai had been grievously prejudiced by omitting to take notice of the oppression and cruelty which she complained she had been subjected to at the hands of Mulharow Gaekwar.

84. Under these circumstances I proposed that His Highness the Gaekwar should be required to grant her compensation for Stridhun and personalty suitable to her rank, and to the exceptional position in which she had been placed by being forced to leave Baroda through no fault on her part, but solely owing to the unusual and vindictive proceedings of the present Maharaj.

85. In order to enable Government to form a fair estimate of the ex-Ranee's jewels, personalty, &c., I appended to my letter a translation in English of the official inventory of her effects prepared before her departure from Baroda under the direction of the then Resident, Colonel Barr. I submitted, that in lieu of this property, which was of costly character and of great value, including her Stridhun, she should be compensated by a sum of money not less than four lakhs of rupees.

86. On this representation the Bombay Government passed the following Resolution No. 5221 of 7th August 1874:—

"The Resident should intimate to the Gaekwar, in the first instance, that the Government adhere to their opinion that a sum of one lakh of rupees should be paid to Jumnabai as her Stridhun, and that the honour of His Highness was concerned in his producing the property found in the possession of the Ranee and locked up by the officers of the Durbar in January 1872, in order that it may be decided by arbitration which of the articles in the list then made should be held to be the personal property of the Ranee, and which, as being State property, should, in consequence of her quitting Baroda, be retained by the State."

87. These instructions were communicated to His Highness the Gaekwar in my Yad of September 9th 1874, and I have since that time been negotiating on the subject with the Minister, Mr. Dadabhai Nowrojee, who required that the property claimed should be identified by an authorized agent on the part of Her Highness. This proposal I communicated to Government with my letter No. 315–1094 of 7th October 1874.

88. It will thus be seen that the settlement of this lady's case appears to be still remote; and adverting to the fact that the Gaekwar has from the first persistently denied that widows of deceased Gaekwars possess in their own right any Stridhun whatever, and has on several occasions since 1872 distinctly refused to accede to the wishes of Government regarding the payment of a lakh of rupees on this account, I see no prospect whatever of an amicable settlement of this long pending case.

89. This complainant was examined before the Commission who have recorded the opinion that the entire deprival of the whole of the provision assigned him by the late Chief appears to have been an extremely harsh proceeding.

Case No. 3.—Anundrow Wishwasrow Maney, brother of Her Highness the ex-Ranee Jumnabai.

The Durbar having taken no proceedings to settle this case up to the present time, notwithstanding the strong opinion expressed regarding it by the Commission, I found it necessary, on the 27th October, to refer the case to Government for instructions as to the course to be now followed.

90. The case of these petitioners was inquired into by the Commission, who recorded the opinion that the proceedings taken against them by the present Maharaj appear to have been harsh. With reference to this case, I have received from Government Resolution No. 5530, dated 24th September 1874, on petitions presented by complainants direct to Government, praying for interference, &c. In paragraph 5 of this Resolution the Resident was directed, in the first instance, to advise His Highness to act in a more liberal manner towards the lady and her husband, the result to be reported to Government.

Case No. 4.—Munzoolabai, a daughter of His Highness the late Maharaj, and her husband Kasseerow Rajey Sirke.

I addressed the Durbar to this effect on the 30th September; and on the 26th October a reply was received evading any settlement of the case and postponing its consideration till a future opportunity, which was duly reported to Government in my letter No. 352–1198, dated 27th October 1874.

91. This petitioner complained before the Commission of the entire deprival of the annual allowance of Rs. 2,400, settled on him by His Highness Khunderow Gaekwar soon after the accession of the present Maharaj.

Case No. 5.—Chimma Saheb Luxmunrow, maternal uncle of the Ranee Ambabai, widow of His Highness Maharaj Khunderow.

The Commission have recorded the opinion that the treatment inflicted appears to have been extremely harsh. No steps have up to the present time been taken to remedy the injustice inflicted, nor do I believe that there is any intention of doing justice to the petitioner.

92. The petitioner and his mother complained to the Commission of the resumptions of allowances amounting to Rs. 32,000 per annum, besides Paga allowance of Rs. 35,000 per annum, jewels worth 3 lakhs, and a garden called Heera Bagh.

Case No. 6.—Amrutrow, natural son of His Highness the late Maharaj Khunderow.

The Commission gave as an opinion that the entire deprival of these persons of the whole of the provision assigned them by the late Chief appears to have been an exceedingly harsh proceeding, though the Commission would not question the resumption of the Paga, the State jewels, and of some of the extravagant emoluments enjoyed by them.

Under the orders conveyed to me in Bombay Government Resolution No. 5526, dated 24th September 1874, I was instructed to report, after consultation with His Highness or his Minister, what I considered to be a proper provision for Amrutrow and his mother.

93. These petitioners have complained to the Bombay Government, under date 24th July 1874, of the stoppage of their subsistence and cash allowances as granted by the late Gaekwar, as reported to Government in my letter No. , dated 28th October 1874, on their reference No. 4544, dated 11th August 1874.

Case No. 7.—Case of Sudashivrow and the family of Govindrow Gaekwar, of Sunkheyra.

The present Maharaj regards the petitioner Sudashivrow and the family with marked dislike, owing to his being one of the few living descendants of the original founder of the Gaekwar family, Maloji Gaekwar. For this reason I am afraid that it will be difficult to procure any amicable settlement of this case.

Case No. 8.—Case of Gunputrow and Khunderow, the sons of Gopalrow Gaekwar, of Sunkheyra.

94. These petitioners are the descendants of the younger branch of the Sunkheyra family alluded to in Case No. 7 above.

Petitioners presented themselves for examination before the Baroda Commission, but were not examined for reasons which have been recorded in Appendix B. to the Commission Report, viz., that it did not appear to be a case which fell within the scope of its inquiry. The Commission, at the same time, recorded the opinion that any just claims on the part of the complainants requiring the interference of the British Government should be dealt with by the Resident.

Their case is fully stated in No. 43 of Schedule II., Appendix E., Commission Report.

In this case I have negotiated with His Highness' Minister, but without obtaining any satisfactory result. I am of opinion that, as in the preceding case, the personal feelings of the Maharaj will operate as a serious hindrance to an amicable settlement.

Case No. 9.—Anundrow Vishwasrow Powar alias Nana Saheb Powar.

95. The petitioner, in this case, married Kumrabai, the daughter of His Highness Gunputrow Maharaj, and is therefore the niece of the present Maharaj.

In this case, also, there are peculiar obstacles to an amicable settlement, owing to the intimate relations which are alleged by the petitioner to exist between his wife and the Maharaj.

96. The following Sirdars are connected with His Highness' family, and their cases may be disposed of either under "Part II., Sirdars," or the present "Part III., Gaekwar's family:—

1. No. 17.—Sirdars—Mahadeorao Jeysingrow Gaekwar.
2. „ 18.—Gungajeerow Trimbuckrow Khanvelkar.
3. „ 19.—Goonajeerow Gungajeerow Khanvelkar.
4. „ 20.—Amrutrow Gungajeerow Khanvelkar.
5. „ 23.—Mahadeorow Dulputrow Gaekwar.
6. „ 35.—Yadowrow Tookajee Kuddum.
7. „ 36.—Anundrow Narayen Rao Daebur (Killedar).

97. In five of these seven cases I have carried on negotiations with Mr. Dadabhai Nowrowjee with a view to an amicable settlement, if possible.

## PART IV.

### Grievances of Followers and Servants of the late Maharaja Khanderao.

98. The opinion of the Commission on this group of cases is as follows:—

"The proceedings of the present Chief have been unusually harsh and severe towards his predecessor's relatives and of a most sweeping and vindictive character towards his favourite followers and dependants. The measures taken against these classes are highly damaging to the reputation of His Highness Mulharrao and cannot but be regarded with alarm by all associated with, or who engaged the favour of the late Chief, who have not as yet been molested by his successor."

99. With reference to this opinion, His Excellency the Viceroy and Governor-General was pleased to require His Highness the Gaekwar to desist from the harsh and vindictive treatment of the relatives and dependants of the late Chief, and extend to them the justice and consideration due to their position and services.

100. This advice was tendered to His Highness the Gaekwar with my Yad No. 1532 (C. 10) of 17th August 1874.

101. In reply, I was informed that the advice of the Governor-General would be taken into consideration and attended to, *vide* Durbar Yad, No, 1560, dated 4th September 1874.

It will be seen, by reference to the proceedings, Baroda Commission, Appendix E., that the advice thus tendered applies to the following cases:—

1. Case of Hubeeboola Moonshee, Case 45, Schedule II.
2. „ Chimmunrao Luximon Wagh, Case 46, Schedule II.
3. „ Goolam Kadur Kurrumoola, No. 47, Schedule II.
4. „ Yeshwantrao Succaram Moogakhur, No. 48, Schedule II.
5. „ Kooshaba Govindrao Jadow, No. 49, Schedule II.
6. „ Mashookram Nurseidass, No. 50, Schedule II.
7. „ Luximeebai, widow of Mulhaiba Shelki, No. 51, Schedule II.
8. „ Bhagurtu, wife of Gunnoo Wagh, No. 52, Schedule II.
9. „ Purbuthubai and Gungabai, widows of the late ex-Dewan Bhow Sindia, No. 53, Schedule II.
10. „ Meyrao Guddoo and two other orderlies of His Highness Khunderao, No 54, Schedule II.
11. „ Gunputrao Gangajee Gooja, No. 55, Schedule II.
12. „ Sixty-seven (67) subordinate followers of the late Maharaja, No. 56, Schedule II.

102. It is sufficient to observe regarding this class of cases, which I may observe attracted the special notice of the Commission on account of their aggravated character, that His Highness's Minister has once or twice spoken to me on the subject, and has even requested me to make specific proposals regarding them. I have informed Mr. Dadabhai that the nature of each separate case is clearly set forth in the Commission proceedings, and that the necessary proposals should, in the first instance, emanate from himself, I having carried out my instructions by tendering the general advice of His Excellency the Governor-General regarding them.

103. I think it, however, my duty to state that I can see no probability of effecting an amicable settlement of this serious class of cases, owing to the embittered feelings of His Highness the Maharaja against all who were supposed to enjoy the favour of the late Gaekwar, and owing to the very large amount of property, of which each one of the petitioners appears to have been plundered by the Maharaja's orders.

## PART V.

### Grievances of the Inamdars and Watandars belonging to the Gaekwar State. Commission Groups Nos. 6, 13, and 19.

104. It will be remembered that I brought to the notice of the Commission "the subject of "the general attachment of Watans, and in many instances the confiscation of Inams, Jaghirs, "and other hereditary property belonging to the various classes in the Baroda State," *vide* Case 32 of Schedule II., Appendix E., Baroda Commission Report.

105. With reference to the alleged general attachment of Watans, the Durbar Agent formally admitted before the Commission that all Watans were attached by the late Maharaja pending enquiry about eight or ten years ago. They also stated that His Highness Mulharao Maharaja had issued a proclamation "declaring that the attachment of all these Watans has been with-"drawn, and the parties entitled thereto permitted to enjoy them as heretofore, until their right "to them has been formally adjudicated, to admit of which they are called upon to produce their "proofs within twelve months from the date of the proclamation."

106. No allusion was made by the Durbar Agent to the alleged confiscation of Inams, Jaghirs, and other hereditary property, numerous instances of which were presented to the Commission.

107. With reference to this subject, the Commission expressed the opinion that the present Chief was not responsible for the measure which was adopted by his predecessor eight or nine years ago; but that as he has now consented to the removal of the attachment, the Commission would suggest that he be advised to adopt some equitable method of dealing finally with the question at issue in regard to the Watans of the State with the least possible delay, so as to remove all ground for anxiety and discontent amongst these classes, the Watandars being restored to, or not being disturbed in the enjoyment of their generally long enjoyed rights, *vide* Case 32, Schedule II., Appendix A., Baroda Commission Report, also clause 4, paragraph 10, of the Report itself.

108. With reference to the complaints of the arbitrary resumption by the Gaekwar Government, without cause or reason, of Inam holdings and hereditary emoluments granted by his predecessors, the Commission, in Group 13, paragraph 8 of their Report, have recorded the opinion that the proceedings of the present Chief and the grounds assigned for them in these cases must, in the opinion of the Commission, have given rise to a feeling of uncertainty and anxiety amongst all persons of the classes to which complainants belong, holding such Inams and emoluments under grants from previous Gaekwars.

109. With reference to the opinion expressed by the Commission on the several Groups of Cases Nos. 6, 13, and 19 under consideration, His Excellency the Viceroy was pleased to advise His Highness the Gaekwar to adopt some equitable mode of dealing with the Watans and Inams so as to remove all anxiety and discontent among the holders of them. This advice was accordingly tendered to the Durbar with my Yad No. 1484 (C. 4), dated 11th August 1874.

110. In reply, the Resident was informed that the Watans, which had been attached by His Highness Khunderao, were released last year (1873) and that a general enquiry would be made, *vide* Durbar Yad No. 1458 of 17th August 1874.

111. A copy of the Proclammation, alleged to have been issued by the Durbar, was called for by me whilst the Commission was sitting, and was accordingly furnished, and is dated 3rd November 1873. I regret, however, to report that although the Commission were induced to believe that the Watandars would be at once replaced in possession of their Watans in accordance with the terms of that Proclamation, yet it appears that not only have the promises made to the Commission proved to be delusive, but no enquiry of any kind has up to the present time been instituted. It is important to invite prominent attention to the fact that the aggregate amount of the cash allowances due to these Watandars which have been in deposit with the Gaekwar Government for the last ten years is enormous; and that the speedy liquidation of these claims involves most serious financial considerations.

112. It will be remembered that I stated in paragraph 106 above, that no allusion had been made by the Durbar Agent to the allegation regarding the general attachment of other kinds of hereditary property, such as Inams, Jaghirs, Giras, Wantas, &c., which is notorious.

113. Nearly all hereditary property of this class was attached by His Highness Khunderao in 1863–64, pending an enquiry into title, which, with the exception of certain specified Giras cases, has not only never been carried out, but not even attempted; the consequence, however, of the general attachment of this kind of property by the State has been, to place at the disposal of the reigning Gaekwar an enormous amount of ready money, all of which, amounting to many lakhs of rupees, should be in deposit, and will of course have to be refunded to the owners on completion of the proposed enquiry into each case.

114. As pointed out, however, in my final statements on these class of cases (Appendix G.), the Watandars themselves regard the attachment as a mere pretext for spoliation, and have no confidence whatever in the conduct of the proposed enquiry. I also pointed out that when it is remembered that the titles of these Watandars are more ancient than that of the Gaekwar himself, the fears of the Watandars could not be said to be groundless.

115. I also added that the general confiscation of Inams and the spoliation of all classes in the Baroda State by the present administration is a fact which speaks for itself and has aroused the greatest alarm and discontent.

116. In paragraph 8 of the confidential accompaniment to my Administration Report for 1873–74, No. 172 A, dated 16th June 1874, a list of the pending Giras and Wanta disputes is given, which clearly demonstrates the magnitude of that branch alone of this important question.

## PART VI.

### Grievances of Bankers and Trading Firms in Baroda, including Groups Nos. 8, 18, and 20 of Paragraph 8, Commission Report.

117. I. With reference to the grievances of certain State and other bankers at Baroda, the Commission recorded the opinion that the action of the late and present Gaekwars towards individuals of this class appears to have been highly arbitrary; and the proceedings of the present administration, especially in some of the cases brought before the Commission seems to it to warrant the conclusion, that wealthy individuals or firms at Baroda, who are not in favour with the Maharaja or his principal officials, have grave grounds for alarm and anxiety as to the security and freedom from molestation of themselves and their property.

118. II.—With reference to the claims of certain jewellers of Ahmedabad on account of jewels sold by them to His Highness the present Maharaja, the prices of which have not been paid by His Highness, the Commission recorded the opinion that the Maharaja appeared bound to adopt the steps that were necessary to effect an equitable settlement of these large personal claims against His Highness without delay. They also recorded that they had suggested the mode that appeared to them to be the most fitting under the circumstances for adoption.

119. III.—With reference to the complaint of one Bhanabhai Lallbhai regarding the non-liquidation of his claim to Rs. 3,76,323 for boundary stones supplied to the Gaekwar's Government in 1863, the Commission have recorded that the Durbar has intimated its readiness to adjust the account on the attendance of complainant with his vouchers for the purpose. The claim is not one that the Commission can with propriety take up or dispose of.

120. With reference to these opinions of the Commission, His Excellency the Viceroy directed that His Highness the Gaekwar should be advised to put a stop to proceedings such as those taken towards respectable bankers and trading firms, which are described by the Commission as discreditable and spoliatory, arbitrary and unjust.

121. This advice I was desired by the Bombay Government to communicate to the Durbar in their letter No. 5507 of 23rd September 1874.

122. I accordingly communicated it with my Yad No. 1795 (C. 15) of 24th September 1874, with special reference to the cases set forth in paragraph 8, Groups 8, 18, and 20 of the Commission Report, and Cases 37, 57, 58, 61, and 62 of Schedule II., and Cases 1, 2, 3, 4, and 7 of Schedule III of Appendix E.

123. I, at the same time, took the opportunity of bringing to the notice of His Highness the Gaekwar that representations had recently been received by me from the firms of Hurree Bugtee, Choonilal Petamber, Sowjee Oomed, Motilal Samul, Amta Runchord, and Bhanabhai Lallbhai, all of whom had appeared before the Commission, and inviting negotiation.

124. In reply to my Yad tendering this advice, I received from the Durbar an evasive reply, copy of which was forwarded to Government with my letter No. 1205 A. of 26th October 1874.

125. I have received from several of these complainants representations that active measures of retaliation have been practised towards them in consequence of their appearing to give evidence before the Baroda Enquiry Commission; all of them have, moreover, since the Commission, frequently petitioned the Durbar to effect a settlement of their just claims, but without any result. Taking into consideration these facts, together with the evasive tone of the Durbar reply to the advice of His Excellency the Viceroy and Governor-General above referred to, from which it would appear that I was considered to have impeded the settlement of these cases by refusing to negotiate regarding them, I think it my duty to report that I see no reasonable hope of effecting an amicable settlement; and, in fact, the amount involved in the settlement of these cases is so very large that I doubt the ability of His Highness the Gaekwar to liquidate them at once out of the current revenues of the State.

## PART VII.

### Grievances of the Bijapur Thakoors.

126. This subject was enquired into by the Baroda Commission, and their opinion is recorded at length in Appendix A. It should be observed, however, that the Commission have only dealt with three of the petitioners' complaints, viz.:—

1st. The enhancement of their Ghas Dana.

2nd. The alleged reduction of their Giras Huks, and imposition by the Durbar of an Inan Committee tax of 2 annas per rupee on the reduced Huks.

3rd. The levy of accession Nuzzurana on the accession of the present Chief.

127. The other subjects of complaint were not considered sufficiently important to go into.

128. On the opinion recorded by the Commission, His Excellency the Viceroy was pleased to issue instructions that His Highness the Gaekwar should be advised to make a settlement of the Ghas Dana claims for a period of years.

129. Regarding the numerous other complaints, no advice was offered.

130. His Excellency the Viceroy's instructions were communicated with Yad No. 1732 (C.14), dated 16th September 1874, and in reply, it was stated by the Durbar that the payments due from the Bijapur Thakoors was Jummabundy and not Ghas Dana, but that the advice given would receive due consideration. (*Vide* Durbar Yad No. 1656 of 21st September 1874.)

131. With reference to this subject I think it material to report that about 29th August, and again on 1st September last, I was consulted by Mr. Dadabhai regarding the case of these Thakoors, when I gave him for perusal the whole of my papers relating to the subject in which these grievances, as stated by themselves, were fully set forth. Mr. Dadabhai, with my permission, took copies of these papers; up to the present time, however, no steps have been taken to effect a just settlement of these claims, notwithstanding the fact that disturbances of a serious kind have manifested themselves in the Bijapur District, as reported to Government in my letter No. 271–922, dated 31st August 1874.

132. I am respectfully of opinion that in this case also will be found exceptional difficulties in the way of effecting an amicable settlement, owing to the fact that a large amount of arrears are alleged to be due by the Baroda Government to the Thakoors, and to the normal spirit of encroachment which has been systematically exhibited by the Durbar towards all persons belonging to the Mehwassee Girassia element. Moreover, the significance of the reply given by the Durbar to His Excellency the Viceroy's advice will not escape notice; the difference between Ghas Dana and Jummabundy consisting amongst other things in this, that the payers of Ghas Dana are in fact tributary holders, whereas the payers of Jummabundy are ordinary ryots.

133. In conclusion, I would respectfully submit that an early settlement of this important case has an intimate connection with the peace and tranquility of the Bijapur and neighbouring districts.

## PART VIII.

134. The following subjects were specially noticed by His Excellency the Viceroy and Governor-General as matters for advice to His Highness the Gaekwar:—

I.—Prohibition of levy of Nuzzurana on appointments.

II.—Strict supervision over subordinate officials so as to prevent horrible practices of torture.

III.—A Reform of the Judicial system.

IV.—Prohibition of the abduction of Women.

V.—Prohibition of the infliction of corporal punisment on Women.

135. The advice of His Excellency the Viceroy and Governor-General on these several subjects was tendered to His Highness the Gaekwar with my Yads as follows, copies of which have been supplied to Government:—

1st.—Yad No. 1503 (C.8), 12th August 1874.
2nd.—Yad No. 1483 (C.5), 11th „ „
3rd.—Yad No. 1486 (C.6), 11th „ „
4th.—Yad No. 1518 (C.9), 14th „ „
5th.—Yad No. 1534 (C.12), 17th „ „

136. The following replies were received to the several subjects noted:—

1st. That the practice of taking Nuzzurana on appointments had long since been done away with; that measures would be adopted for giving adequate salaries to officials, and that a Proclamation would be made as desired. Copy of this Proclamation was submitted to Government with my letter No. 307–1069, of 2nd October 1874.

With reference to the second point, viz., the exercise of supervision over subordinate officials, the Durbar stated that the subject had already engaged attention, and that such measures would be adopted as appeared to be required.

With reference to the third point, viz., the Reform of the Judicial system, the Durbar stated that the subject had engaged attention, and that better regulations for civil, criminal, and revenue matters were under preparation.

With reference to the fourth point, viz., the prohibition of the abduction of Women, the Durbar denied that the practice ever took place, and that any one concerned therein would be punished.

With reference to the fifth point, viz., the prohibition of corporal punishment on Women, the Durbar replied that a Proclamation to the required effect would be published.

137. With regard to the subjects Nos. I., II., and V. above adverted to, there is at present nothing material to report, the manner in which the advice tendered has been practically acted on will of course require very careful watching, and I shall be in a better position to report some months hence.

138. With regard to the suggested Reform of the Judicial system of the Baroda State, I think it material to invite prominent attention to the remarks contained in my letter to Government, No. 324–1124, of 14th October 1874, in which I reported on the petition of one Mohabut Jara Bhartee of Puttun. In this report I pointed out that the main cause of nearly all the judicial abuses which have been brought to notice, was the Levy of Nuzzurana and systematic traffic in justice by the Maharaja and members of his family. I, at the same time, gave a list of some 20 cases, in which justice was alleged to have been perverted by the operation of this baneful system. I also pointed out that unless some remedy could be devised to prevent the Maharaja from interfering with the ordinary administration of justice, an effectual judicial reform was hopeless. I would also invite attention to the similar cases reported on in my letter to Government, No. 312–1091 and No. 335–1150, dated respectively 6th October 1874 and 17th October 1874, in which Mr. Dadabhai Nowrojee and his colleagues are alleged to have been unable to interfere, owing to the original perversion of justice by the Maharaja and the necessity of their complying with his will, even when opposed to the plainest consideration of justice and equity. Moreover, even if the present administration could be induced to take up for settlement cases in which the Maharaja was personally concerned, it would be hopeless to expect that justice could be done, as a decision adverse to the Maharaja would of necessity involve the loss of their appointments.

139. With reference to subject No. IV. above, relating to the abduction of women, I would invite special notice to the Durbar's reply, in which a flat denial is given to the established and notorious fact that cases of this disgraceful nature have occurred. This denial, moreover, happens to be singularly mistimed, as a remarkable confirmation of the disgraceful system alluded to was unexpectedly afforded by the examination of an old and most respected Hindoo Shastree, who had been turned out of his temple and utterly ruined for having ventured to interfere with certain agents of the present Maharaja, who were employed to lie in wait at the petitioner's temple (which was close to the palace) in order to seize any good-looking girls or married women for the Maharaja's unlawful use.

## PART IX.

### Miscellaneous.

140. In addition, however, to the several important matters in regard to which His Excellency the Viceroy and Governor-General was pleased to tender to His Highness the Gaekwar authoritative advice, there are numerous other matters which have engaged my serious attention, and which it is most material to notice at this point, as they have a most important bearing on the subject of general reform in the Baroda State.

These matters have from time to time been brought by me to the notice of Government, but have never been discussed in a connected shape, nor has their bearing on the general question been at all adequately explained or brought to notice.

141. They may be thus noticed *seriatim*—

I. Financial embarrassment as shown by the fact that, with the exception of the contingent and the brigade of infantry, cavalry, and artillery at Baroda, the whole of the military classes are in arrears for upwards of three years.

2nd. That all Inamdars, Watandars, Girassias, &c., &c., are, as a rule, in arrears for about ten years.

3rd. Non-settlement of State debts to bankers and trading firms.

II. Excessive prodigality and waste in State expenditure.

III. Deliberate invasion of imperial rights affecting British Opium and Salt Revenue.

IV. Systematic interference with trade by oppressive transit dues, &c., &c.

V. Systematic retaliation on ryots and others who complained to the British Government before the Baroda Enquiry Commission.

VI. Illegal seizure of British subjects in British and Gaekwar limits.

VII. Systematic omission to reply to references on public business in which there is an object for evasion.

VIII. Correspondence on the part of the Durbar showing an improper and insulting tone.

IX. Habitual refusal to listen to advice or to meet the wishes of Government in the settlement of any question whatever.

X. Political agitation of the most mischievous and dangerous kind under the auspices of the new administration, as frequently reported during the last ten months.

XI. The fact that His Highness the present Maharaja is the first Chief of this State who has arrogated to himself a position of superiority to His Excellency the Governor of Bombay, and claims the privilege of placing all British officials of whatever rank, including His Excellency the Viceroy and Governor-General himself, in a position of inferiority, viz., on his left hand, at public Durbars and all State occasions.

142. My object in enumerating these points is to show that since the departure of the Commission in December 1873 no improvement whatever has manifested itself in the various points referred to; but, on the contrary, that in many important respects the condition and relations of this State are in a decidedly worse condition than they were at this time last year, as yet none of the promises made both to the Commission and to Government having received substantial fulfilment.

Administration since departure of Baroda Commission.

143. It will be remembered that Mr. Dadabhai Nowrojee was appointed Minister of His Highness the Gaekwar in December 1873, as reported to Government in my confidential letter No. 250A., 24th December 1873. Since that time Mr. Dadabhai has filled all the functions of Minister and has been the Maharaja's responsible adviser.

144. The first occasion on which Mr. Dadabhai came into public notice as the spokesman of His Highness the Gaekwar was in a Kharita addressed to His Excellency the Viceroy, dated 31st December 1873, in which His Highness called in question the right of the British Government to appoint a Commission.

145. Again, in a Kharita written by Mr. Dadabhai to His Excellency the Viceroy, dated 19th April 1874, acknowledging the receipt of the Report of the Commission, he stated that he was preparing a full reply to the Report, but that the reforms suggested by the Commission under paragraph 10 of the Report had *already engaged* his serious attention. He concluded by deprecating any interference regarding the appointment of Dewan as calculated to preclude all chance of a fair trial being afforded for reform.

146. Again, in a Kharita to the address of His Excellency the Viceroy, dated 17th May 1874, Mr. Dadabhai strongly urged that no undue interference should be exercised.

147. It will be remembered, with reference to what has been above stated with regard to the position of Mr. Dadabhai Nowrojee during this period, that His Highness the Gaekwar, in Yad No. 1434, dated 14th August 1874, in reply to my Yad 1480 (C.1) of 10th August 1874, tendering the advice of His Excellency the Viceroy regarding the dismissal of certain officials of the Baroda State, distinctly affirms that the duties and responsibilty of Dewan were conducted by Mr. Dadabhai Nowrojee since the time that his appointment was first publicly notified in December 1873.

148. Under these circumstances I would submit that the serious matters above adverted to, must be considered in connection with the fact that, for the last ten months and upwards, an enlightened and educated Minister has been at the head of affairs; no interference whatever having been exercised by Government from 24th December 1873 to 3rd August 1874.

149. Bearing in mind this fact, I now proceed to notice *seriatim* the subjects adverted to in this part.

150. I believe the financial embarrassment of the Baroda State to be the main cause of the difficulty which is now experienced in settling any cases which involve pecuniary claims against the Baroda Government. The magnitude of this question I believe to have been hitherto very faintly appreciated, and in order to enable Government to form a fair idea of the present financial condition of the Baroda State, I give in Part X., paragraphs 161 to 168 below, an approximate estimate showing the aggregate amount which is believed to be involved in the pecuniary claims of the various classes specified in the preceding parts of this Report.

Financial condition of Baroda State.

151. The second subject has been prominently brought to notice by me in paragraph 22 of the confidential accompaniment to my Administration Report No. 172A. of 16th June 1874. A battery of Horse Artillery of 2 golden guns has been organized on the most expensive and gorgeous scale. A new golden howdah and a new golden elephant saddle have been constructed for State purposes. Lakhs have been lavished on a new palace in the city, which is still incomplete; the work-people said to be six months in arrears. The newly created office of Pritinidhi has been endowed with a princely salary of nearly a lakh of rupees per annum for purely ceremonial objects. The salary of the new Dewan, Mr. Dadabhai Nowrojee, has been fixed at a lakh of rupees per annum. The Maharaja's private expenditure far exceeds that of any of his predecessors. Excursions, sumptuous feasts, and State processions continue to impose a most serious drain upon the resources of the impoverished State and upon the unpaid Sirdars and retainers. New favourites are entertained, and the most extravagant annual salaries lavished upon them; whilst the representations of old and respectable families in the State, as well as the military classes generally, are clamorous for the means of their subsistence.

Prodigality of expenditure.

152. The third subject, viz., the deliberate invasion by the Durbar of British imperial rights, affecting the opium and salt revenue, has been fully reported to Government.

Opium and salt.

153. The systematic interference of the Durbar with trade by oppressive transit dues, &c, is a subject which has been periodically brought to the notice of Government by different officers during the course of many years, and is the necessary result of the absence of a commercial Treaty. I regret, however, to report that during the last few months these obstructions have increased and threaten, unless checked, to affect most injuriously the commercial interests of the whole of this part of the Presidency.

Obstructions to trade.

154. The subject of the systematic retaliation, which has been practised on the ryots and others who complained to the Baroda Commission, has been on several occasions brought by

me to the notice of Government. This subject is the more important, as I was authorized by the Commission to issue a Proclamation, guaranteeing protection to all those who gave truthful evidence; and thus the good faith of the British Government is distinctly involved in the question of protecting from retaliation honest witnesses, who have been induced on these conditions, to come forward and give public evidence of their grievances.

*Vide* Appendix D. to the Baroda Commission Report.

The letters, generally noted in this Report, show the different cases in which I have formally reported this very serious matter, and I may also add that nearly every witness belonging to the agricultural classes, who has lately appeared before me, has stated that renewed oppression and exactions have been the result of coming to Baroda to give evidence before the Enquiry Commission.

155. The subject of the illegal seizure of British subjects in British and Gaekwar limits has been brought to the notice of Government in my letters marginally noted. The subject appears to be one of the most serious character, in consequence of its certainly sooner or later to lead to more serious and extensive breaches of the peace than have yet taken place. The case of the British Mookhee of Bochasan, reported to Government in my letter marginally noted,* affords a good illustration of the contempt in which British village officials are held by Durbar District Subordinates. While the action taken by Government, in merely ordering the Mookhee's release from illegal confinement, can, I submit, have no other effect than to imbue the Durbar with the idea that there is no adequate remedy for cases of this nature. In my letter to Government bringing this case to notice, I cited a list of about 20 other cases in which the action of the Durbar towards other British subjects had been equally arbitrary and illegal, and I therefore drew the inference that the action taken by the Durbar in the instance under notice was not accidental, but part of a regular system. I cannot refrain from again impressing on Government my sense of the extreme importance of noticing most strongly all cases of this nature.

Illegal seizure of British subjects.

Resident's letter No. 32–115, dated 2nd February 1874.
Resident's letter No. 47–173, dated 16th February 1874.
Resident's letter No. 70–261, of 11th March 1874.
Resident's letter No. 237–817, of 3rd August 1874.

* Resident's letter to Government, No. 258C., dated 1st July 1874.

156. The subject of the systematic omission by the Durbar to reply to references on public business, in which there is an object for evasion, has been constantly brought to the notice of Government; and more than one reference on the subject has been made to the Durbar by order of Government regarding it. The extreme inconvenience which is caused by this system, not only to the Resident, but to every public officer who has occasion to correspond with the Resident on public business, is so serious that it has in many cases brought the transaction of public business to a dead lock; and I do not hesitate to say that, owing to this mischievous system, the increase of work in this and all neighbouring offices has been enormous. To this, moreover, may chiefly be attributed the enormous arrears of Girass Wanta, and other cases in which the Durbar has a direct pecuniary interest in delaying a settlement.

Systematic omission to reply to Resident's letters.

157. The subject of improper and insulting correspondence on the part of the Durbar has on several occasions been brought to the notice of Government, the most marked instance being afforded by the correspondence relating to the marriage of His Highness with Laxmeebaee, in which the Resident was charged by Mr. Dadabhai on the part of His Highness with offering to the latter an "open outrage and a public insult," for carrying out in a firm, but strictly courteous manner, the instructions of Government.

Improper tone of Durbar correspondence.

Other cases, such as that of Drs. Seward and Ross, who, after having been grossly insulted by His Highness' escort, were represented as having misstated the circumstances, are on record, in which the Durbar has not scrupled to make direct assertions regarding public business which were known to be contrary to fact.

158. With regard to the habitual refusal of the Durbar to listen to advice, or to meet the wishes of Government in the settlement of any question whatever, the subject is one which needs but little comment from me, as this system is doubtless one of the main causes which have contributed to produce the present utter disorganization of the State. It might reasonably have been supposed that at this serious juncture, backed up by the warning of His Excellency the Viceroy and Governor-General, the friendly advice which I have been constantly imparting, both to His Highness the Gaekwar and his Minister, would at least have received some kind of response. I have been in constant communication with Mr. Dadabhai Nowrojee regarding the settlement of Commission cases, and have give him every assistance, at the cost of great labour to myself; yet I regret to say that as yet no practical results have ensued.

Refusal to listen to advice.

159. Finally, with regard to the system of political agitation which has been systematically persisted in ever since the precedence question was raised and advocated by Mr. Dadabhai Nowrojee at the end of 1872, I would call to mind my various confidential memoranda on the subject since May last, showing amongst other matters that certain persons from the Indapoor and Sholapur Districts were encouraged to come to Baroda, and that pamphlets of a seditious tendency were

Political agitation.

printed in the Gaekwar's private press and widely circulated. Moreover, the daily communication of Gaekwar Agents with our Deccan and Konkan Districts, is a matter of political importance worthy of being watched by our district officers.

The frequent visits which have for some months past been made by Agents of the Maharaja to the State of Akulkote, which is now under British management, have attracted my attention. I am under the impression that I mentioned this confidentially to Government, but I have not communicated with the Political Superintendent, Akulkote, on the subject. It is, however, going on at the present time—a favourite Jasood of His Highness having left for Akulkote this day (31st October) ostensibly to communicate the birth of a son and heir to the Gadee to an aged Soothsayer said to reside at or near Akulkote.

160. With reference to the extraordinary precedence claim advanced by His Highness the present Gaekwar, I think it material to state that Mr. Dadabhai Nowrojee not only wrote the Kharita to His Excellency the Viceroy and Governor-General advocating this claim, but was specially deputed by His Highness the Gaekwar to promote it with the authorities in England. The results of this preposterous claim have been to inflate to an inordinate extent a singularly ignorant and uneducated Prince, whose natural ideas would never have reached such an extravagant height, but for the promptings of interested and unscrupulous advisers.

Precedence claim of His Highness the Maharaja.

In consequence, moreover, of the attitude assumed by His Highness with reference to this claim, a signal mark of disrespect was shown by his refusal to attend the General Durbar held by His Excellency the Viceroy and Governor-General in Bombay in November 1872, and similarly on the occasion of His Excellency the present Governor passing through Baroda early in 1873, a difficulty arose regarding His Highness paying his respects to His Excellency the Governor at the Baroda railway station.

161. On the general subject of precedence and political agitation, I would invite reference to the remarks contained in paragraphs 9 to 12 of the confidential accompaniment to my Administration Report for 1872–73. I there pointed out the great injury that I believed was being then caused to the interests of His Highness the Gaekwar by the employment of Mr. Dadabhai Nowrojee for the purpose of political agitation in England; and I am respectfully of opinion that the mischievous ideas on the subject of his precedence and personal status, then inculcated, have contributed more than anything else to blind him to his real duty as a Ruler, and to the consequences which must necessarily result from the continued assertion by these advisers of His Highness' supposed right of unlimited sovereignty without responsibility to either the Paramount Power in India or his own subjects.

## PART X.

### General Review of preceding Report, with concluding Remarks.

162. Having now submitted in a clear and comprehensive shape, a brief account of the present situation of Baroda affairs, I proceed to offer such observations as appear to me to be material.

It will be seen that, with reference to all the important matters adverted to by His Excellency the Viceroy and Governor-General, not only have no remedial measures been yet undertaken, but in many instances an active spirit of retaliation has manifested itself, which appears to leave ground for small hope that His Highness the Gaekwar is really desirous of effecting that thorough and lasting reform of his administration which was so stronly urged both by the Commission and subsequently by His Excellency the Viceroy and Governor-General.

General review.

163. This entire absence of results I am induced on mature consideration to attribute to the following causes:—

1st.—To the financial embarrassment of the Baroda State, which I believe to be at the present time hopelessly insolvent.

2nd.—To the entire inability of Mr. Dadabhai's administration to grasp, and effectually deal with, the causes of the chronic anarchy into which the State has fallen.

164. With regard to the first point, I have made it my business for some months past to enquire and ascertain, so far as was possible without access to Durbar accounts, the real financial condition of the Baroda State; and I have come to the conclusion that up to the end of Samvat 1930 (June A.D. 1874) the debts of the State aggregate not less than one and a half crores of rupees. This sum, enormous as it may seem, I now believe to be an underestimate of the real financial liability of the State at the present time.

165. I have long been under the impression that financial embarrassment was the real cause of the hopeless disorganization into which the State appears to have been gradually drifting during the last 8 or 10 years, and my letters will show that I have from the first invited attention to the great importance of ascertaining the real financial position of this State as a necessary condition of any effectual reform. I am respectfully of opinion that the obstinacy with which His Highness' advisers are seeking to resist enquiry into the numerous liabilities of the State, solely proceeds from the fact that they are more or less aware that the results of such enquiry would at once expose the hopeless insolvency into which the State has been allowed to drift through the extreme prodigality and ruinous waste of the present reign. The consciousness of the embarrassed state of the finances has in fact acted as the incentive to the numerous cases of rapacity and spoliation which I have from time to time been reporting to Government. All the chief servants of the State have been busily engaged in enriching themselves before the inevitable crash, which they must have been aware was coming. It is

this consciousness, moreover, which mainly accounts for the entire want of success, which has hitherto accompanied every effort on my part, both during last year and the present, to procure a settlement of any case involving pecuniary claims; nor do I believe that His Highness the Gaekwar has the means of satisfying more than the smallest fraction of his liabilities and of the current revenue of the State. It is, moreover, the consciousness of this fact which accounts, I believe, for the extraordinary efforts that are now being made to repudiate *bonâ fide* State debts, and to force the military classes, bankers, traders, &c., to accept a settlement on terms which would involve them into utter ruin.

166. It is computed that the liabilities of the State to the military classes alone amount to about 60 lakhs, and when it is remembered that the claims of Watandars, Girassias, Inamdars, &c., &c., are, generally speaking, in arrears for 10 years, the liabilities on this account also can be nothing short of enormous.

167. The Baroda bankers, moreover, such as Haree Bhagtee, Gopalrao Myrol, Motilall Samal, and many others, are creditors of the State to an enormous amount, averaging, at least so far as my information goes, 46 or 50 lakhs.

168. In addition to these, there are the cases of the Ahmedabad jewellers, the late Chief's followers, and others, mentioned in the Commission Proceedings, whose just dues have to be met.

169. Nor must omission be made in a general statement of this sort of the serious pecuniary claims in which the British Government is directly interested; *vide* my letter to Government, No. 163–585, dated 6th June 1874, in which the following cases were enumerated:—

1. Mandvi Tora Girass due from the Gaekwar to British Government, Rs. 10,25,703–5–2 up to the end of 1873–74.
2. Girass Hucks payable by Gaekwar to Dhang Chiefs, for which credit has been given in the British Treasury, Khandesh, Rs. 20,000.
3. Her Highness the Ranee Jumnabai, Rs. 1,00,000.

170. Taking into consideration the enormous liabilities here disclosed in connection with the facts, that nearly every department of the State is falling into arrears, and that the most ruinous prodigality is being practised by the Maharaja on a scale the like of which has never been even approached by previous Gaekwars (*vide* paragraph 151 above), some idea can be formed of the real problem which is involved in the reform of the Baroda State.

171. The second point, to which I have above adverted in paragraph 161 as furnishing a clue to the entire absence of results which have hitherto attended my efforts to procure a settlement of many of the numerous pending cases, is the inefficiency of the new administration now conducted by Mr. Dadabhai Nowrojee.

172. Bearing in mind the extremely difficult position in which Mr. Dadabhai is placed, I am unwilling to lay on him the whole responsibility of the non-commencement of those reforms which have been so urgently enjoined by His Excellency the Viceroy and Governor-General, though I, at the same time, think that his failure to influence the Gaekwar for good is the natural result of his own teachings in regard to sovereignty and precedence. It is right also to state that the objection which I raised at starting to the recognition of this gentleman as Minister, on account of his complete ignorance of practical administration, has been proved to be a most reasonable one. I have since the commencement given Mr. Dadabhai every possible assistance, and I have personally found him courteous, but at the same time, so tenacious of his own peculiar views, as to lead him to ignore plain facts when opposed to those views; hence he has done nothing during his 10 months' tenure of office, and has lost the confidence even of those who at first were his supporters.

173. Mr. Dadabhai has been gradually surrounding himself with a certain number of British officials, some of whom are of high character and attainments; but as they are all of them, by the terms of their appointments, entirely subject to the will of His Highness the Gaekwar, and have no fixed laws or regulations to guide them in cases where the Maharaja chooses to interpose, they are, by the nature of the case, deprived of all real authority, and have no power whatever to initiate real reform. Mr. Dadabhai and his colleagues being thus practically ciphers, it would be unreasonable to expect that the hopeless embarrassment into which the State has fallen can be extricated by their means. They have, in fact, been employed by the Maharaja to perform the impossible task of saving an insolvent State from ruin, without incurring the necessity of paying its just debts.

1. Mr. Bala Mangesh, Barrister-at-Law, Judge, High Court, arrived February 1874.
2. Mr. Kazee Shahboodin, Revenue Commissioner, arrived in March 1874.
3. Mr. Hormusjee Wadia, Sir Foujdar, Barrister-at-Law, March 1874.
4. Mr. Pestonjee Jehangir, Inman Commission Settlement Officer, October 1874.
5. Dr. Pallonjee, of Bombay, December 1873.
6. Pitambardass Jaitha, October 1874.

Others not yet joined.

174. It is obvious, I think, that such a state of things can only lead to one result either sooner or later. Already overt signs of disturbance have manifested themselves in several parts of His Highness the Gaekwar's dominions, and I do not hesitate to say that but for the recent interposition of Government, and the Proceedings of the Baroda Enquiry Commission, an outbreak would certainly have occurred ere this. The danger, therefore, of allowing the cases of the Sirdars and military classes, &c. &c., to remain unsettled pending the Maharaja's pleasure is too obvious to need further comment from me,—starvation, absolute want, and the systematic degradation of families of high rank and respectability must at all times produce their natural results; hence the extreme emergency of the present position.

I have, &c.

Baroda, 2nd November 1874. R. PHAYRE, Colonel, Resident, Baroda.

## C.—Correspondence with reference to the Case of Nana Saheb Powar.

No. 383–1287, dated Baroda, 21st November 1874.

From Colonel R. PHAYRE, Resident at Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

BEFORE the receipt of Government Resolution, Political Department, No. 6,769, dated 17th instant, upon the case of Nana Saheb Powar, the occurrences set forth in the accompanying statement took place.

2. Yesterday Mr. Dadabhai consulted me regarding the case, and as there was imminent danger of a serious disturbance in which, if once commenced, the whole of the military classes would assuredly have taken part, I sent for Nana Saheb Powar to the Residency and induced him to go quietly home under a promise to take no violent measures whatever to recover his wife. This he obeyed, and in the meantime acting on my advice Mr. Dadabhai managed to get the lady sent back to her home, where she now is.

3. This morning I read the substance of the enclosed statement to Mr. Dadabhai in the presence of Nana Saheb Powar, and I also explained to him the purport of Government Resolution No. 6,769, dated 17th instant, and advised that arrangements should be made as soon as possible to pay the Sirdar his arrears, settle about the liquidation of his debts by a part of his allowance, and allotting to him the balance of it, allow him to proceed with his wife and family either to Dewas or Soopa as might be arranged.

4. Mr. Dadabhai has promised to endeavour to make these arrangements.

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Statement by NANA SAHEB POWAR to the Resident on the 20th day of November 1874.

IN continuation of former representations I beg to state that on the 17th instant I turned out of my house three of my wife's servants who I considered to be the worst characters of those about her. She has about 20 servants in all, viz., 15 men and about five women. These 15 men have all been entertained by her and her evil advisers since the present Maharaja's accession to the throne. I have always objected to the presence of these men in my house, and about two months ago I wrote to the Senaputtee informing him of my intention to discharge them, which was refused in a written order. On the 17th instant I turned three of the worst of these men out of my house. Within two or three hours afterwards about 40 or 50 men came and surrounded my house. Some of my wife's servants held communications with them, and immediately after my wife began to create a disturbance and to quarrel with me; she declared she would not remain in the house unless the three dismissed servants were brought back again; that she would commit suicide, &c., &c. I believe that the 40 or 50 men in question belonged some of them to the Maharaja, some to Nana Saheb Khanvelker, and some to Damodhur Punt.

Under these circumstances, fearing that some serious disturbance would take place between my men and the above if I carried on the altercation with my wife any longer, I came and sat in the front verandah of the house, and whilst I was there my wife ordered the garry and left my house by the backdoor and drove to Chimun Baugh, a garden belonging to the Maharaja, which is in Nana Saheb Khanvelker's charge. I did not know that she had left my house until my own servants gave me information. She was escorted by some of the men above referred to as belonging to the Maharaja, &c. I posted three of my men at one entrance to the garden and three at the second one to see who visited her. No one came that day, the 17th. The next day, the 18th, Nana Saheb Khanvelker visited the garden at about 1 o'clock p.m. My wife came to the door of the Bungalow to meet him, and he gave her a chit and drove away by the other gate. At about 3 o'clock the same day my men observed lamps, chandeliers, &c., going from Nana Saheb Khanvelker's bungalow to that occupied by my wife. After dark the same evening (7 o'clock) a sepoy of Nana Saheb Khanvelker came to the back entrance of the Chimum Baugh bungalow and told my men that if they kept loitering about there, it would be the worse for them. My men remained perfectly quiet, gave him no answer, but one of them reported the matter to me.

Yesterday, the 19th, I resolved to speak to Mr. Dadabhai on the subject on his return from the Residency, and I accordingly stopped him as he was passing my house, and complained about the detention of my wife in the Chimun Baugh and related the circumstances of Nana Saheb's visit, &c., and I added that unless she was given up to me I should have to go and fetch her at all hazards. Mr. Dadabhai told me to remain quiet till 2 o'clock, and that he would endeavour to arrange matters. Four or five men were with me during this conversation with Mr. Dadabhai. I waited till 3 o'clock, and in the meantime I wrote both to the Sirkar Hoozoor and to the Resident. The Sir Fouzdar, Mr. Hormusjee Wadia, and Baboorao, Senaputtee's Karkoon, shortly after came to me. They told me not to act hastily, and that they would endeavour to arrange matters. They also brought a written reply to my yad of the morning, copy of which

I produce. In consequence of what they said I consented to wait until 10 o'clock this morning before taking any further steps to recover my wife, but if by that time she was not restored to me, I should go and fetch her at all hazards. I wrote a yad to the Hoozoor this morning in reply to the Senaputtee's yad of yesterday, which I now produce.

Having been sent for by the Resident, I have now come here as requested, and since my arrival here I have been informed that the Chimun Haugh has been surrounded by a body of cavalry.

My prayer is as follows:—

1st. That my arrears and claims may be settled as soon as possible; those claims are—

| | Rs. |
|---|---|
| Four years' arrears of nemnook of Rupees 2,000 originally granted to my family, viz., Sumbut 1927 to 1930 - - - - - | 8,000 |
| My personal nemnook for Sumbut 1930 - - - - | 8,000 |
| Deducted from my personal nemnook for Sumbut 1929 - - | 2,000 |
| Total - - - - | 18,000 |

2nd. On my marriage I received the village of Meydad in inam, value Rupees 3,000 per annum. This is supervised by Damodhur Punt, and I believe debt has been incurred on it.

3rd. My own debt now amounts to about Rupees 75,000 which was first incurred at the time of my marriage, owing to my not having received the full amount promised at that time and has latterly accumulated in consequence of stoppage of provisions, delay in receiving pay, high rate of interest, &c.

Under the circumstances above related, as well as those which I have represented for the last year and upwards, it is quite impossible that I can reside at Baroda any longer. I pray therefore that my money affairs may be settled, and that I may be permitted to proceed with my wife either to my brother's estate at Dewas or to my native place of Soopa in the Deccan near Ahmednuggur.

The above having been read over to the deponent in the language which he understands is acknowledged by him to be correct.

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## No. 391–1304, dated Baroda, 24th November 1874.

### From Colonel R. PHAYRE, Resident at Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

IN continuation of my report No. 383–1287, dated 21st November 1874, with accompanying statement made before me by a Sirdar named Nana Saheb Powar on the 20th idem, I have the honour to state that I am now in a position to supplement with further particulars the serious complication therein adverted to.

2. It will be seen that the whole of this unfortunate affair has arisen from the most objectionable and dangerous action of the Maharaja in trying to deprive this Sirdar of the lawful possession of his wife and in fomenting discord between her and her lawful husband by interfering with the domestic concerns of the latter.

3. In the statement made before me by Nana Saheb Powar on the 20th instant, an account was given of the manner in which the lady referred to was forcibly removed from her husband's house to the Maharaja's residence at Chimun Baugh, under the direct orders of Nana Saheb Khanvelker, Damodur Punth and others acting under His Highness the Maharaja's personal instructions. In consequence of this disgraceful proceeding, the Sirdar referred to appears to have been driven to desperation, and having vainly appealed to Mr. Dadabhai Nowrojee and others, he intimated his intention of going to the Chimun Baugh and carrying her off by force at all hazards. That this was no idle threat is shown by the fact that my interference was at once called for, and measures were taken by the Maharaja to prevent the Sirdar's threats from being carried into execution, the Chimun Baugh being surrounded with cavalry under strict orders to prevent any hostile ingress.

4. While matters were in this state, I sent for the Sirdar Nana Saheb Powar, and whilst he was at the Residency some of his friends induced Radha Baee, the widow of His Highness Gunput Rao Gaekwar, to interfere so as to induce the lady voluntarily to return to her husband's house at once. This was successfully accomplished, and on the Sirdar's return home he found his wife there.

5. It now appears that there were only too good grounds for believing that a very serious disturbance was imminent, which was only averted by my timely mediation with the Sirdar, and by the interference of his friends with the lady. The cavalry who were ordered to surround the house are said to have immediately sent intimation to the Sirdars, Silladars, &c., friends of Nana Saheb Powar, telling them to be on the alert, and intended doubtless to have sided with them had the

threatened disturbance really taken place. In accordance with this intimation, about 3 or 400 Sirdars, Silladars, &c., at once collected at Nana Saheb Powar's house, preparing to take a part with him in what they believed to be saving his honour. As soon as information was received by the Maharaja of the threatening state of affairs, he appears to have connived at the return of the lady from the Chimun Baugh to her husband's house, and thus a very serious and dangerous disturbance was for the time averted.

6. After this had occurred and subsequent to my report to Government above quoted, Mr. Dadabhai Nowrojee called on me, told me the arrangement that he proposed to make, and promised to let me know the result on Monday, the 23rd instant; but on that day when he called with the Maharaja, and I adverted to the subject, he appeared to me to have evidently failed to have come to any arrangement with the Maharaja about it, nor have I heard anything on the subject since, though it is obviously one of emergency and not to be delayed without risk of renewed disturbance.

7. It will thus be seen that this serious case affords only a fresh illustration of the hopelessness of effecting any real reform so long as the Maharaja himself continues to oppose it. From day to day I am receiving information regarding passing events which shows that but for the influence which I have happily been able to exercise in the maintenance of public order, an outbreak might have occurred at any time, the ultimate results of which it is impossible to forsee. It will be seen how, in cases of this kind, in which the Maharaja is personally concerned, Mr. Dadabhai and his administration are utterly powerless, and I have reason to know that the Maharaja's wilful opposition to Mr. Dadabhai's advice on this occasion was the cause of a serious rupture between them which threatened to bring Mr. Dadabhai's connection with this State to a sudden conclusion.

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Dated Bombay, 1, Hummam Street, 5th January 1875.

From H. BICKNELL, Esq., Solicitor, High Court, to Captain E. BARING, R.A., Private Secretary to His Excellency the Viceroy.

I HAVE the honour to forward herewith the petition of Kumlabai Saheb of Baroda, and to request that the same may be laid before His Excellency the Governor-General at the earliest opportunity.

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Petition dated Bombay, 1, Hummam Street, 5th January 1875.

To His Excellency the Right Honourable T. G. BARING, BARON NORTHBROOK, G.M.S.I., Viceroy and Governor-General in Council, Calcutta.

The humble petition of Kumlabai, wife of Anund Rao, otherwise called Nana Saheb Powar, and daughter of His Highness the late Gunput Rao Maharaj.

SHEWETH, that on or about the 23rd day of November 1874 your Petitioner caused a petition to be presented to His Excellency the Governor in Council at Bombay, complaining of the cruelty and oppression of her husband, the said Anund Rao, who is given to the most dissolute courses and is greatly addicted to drink, and is also heavily involved in debt. Your Petitioner's said husband has forcibly taken away from your Petitioner a large quantity of the jewels and ornaments which were presented to your Petitioner as dowry from her late uncle, Khunde Rao Maharaj, at the time of her marriage, and has sold them to enable him to indulge in his vicious practices.

That on your Petitioner refusing to allow him to take possession of the remainder of her ornaments, he commenced a system of the most unheard of cruelties, and during the past two months your Petitioner has been subjected to the greatest indignities and oppression, and has constantly been the victim of his personal violence, and has during that time been kept in close confinement and denied all intercourse with her relations, and also with her old and confidential servants.

That on the 17th day of December last your Petitioner received a letter from the Secretary to Government in the Political Department, in reply to her said petition, referring her to Colonel Sir Lewis Pelly, K.C.S.I., Special Commissioner at Baroda. Your Petitioner succeeded after much difficulty in instructing her Attorney to apply to Colonel Sir Lewis Pelly, to institute an inquiry into the misconduct of her husband, and to release her from confinement and protect her from further violence and oppression.

That no steps have as yet been taken to protect your Petitioner from the cruelty of her husband, and your Petitioner has grave grounds for fearing that her husband will take her life if some steps are not at once taken to protect her from him.

Your Petitioner, fearing that poison will be put in her food, has been living on the little food that her friends from time to time are able by stealth to send her, and she has in consequence become very weak, and is now in an extremely low state of health.

That your Petitioner feels assured that she cannot long live under the existing cruel treatment, and now appeals to Your Excellency's kindness and justice to relieve her from the above-mentioned cruelties and save her life.

Your Petitioner therefore prays that Your Excellency may be pleased to order an enquiry to be immediately instituted into the misconduct of her husband and steps taken for her protection.

And your Petitioner as in duty bound shall ever pray.

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(Enclosure.)

Dated 24th November 1874.

From KUMLABAI SAHEB, wife of NANA SAHEB POWAR, by her Mooktyar, GOVIND RAO SAKHARAM MANDAY, to Private Secretary to His Excellency the Governor.

I TAKE leave to address you on the subject of my wrongs. I am the daughter of His Highness Gunput Rao Maharaj, the eldest brother of the present Ruler of Baroda who ruled at Baroda for about nine years and departed this life about seventeen years ago. I trust that my birth and position as a daughter of the House of Baroda will entitle me to a special claim for consideration and protection at the hands of His Excellency, which I trust His Excellency will not deny to me in my distress.

2. I have been married to a member of the Powar family by name Nana Saheb Powar, with whom I have lived as man and wife for the last nine or ten years at Baroda, and I have had only one daughter as the issue of this marriage, who has been dead.

3. For the last year or so I have been suffering such intolerable and brutal oppression from my husband, that I have lived a most miserable life to which even death is preferable. Unfortunately for me my husband has been given to the most dissolute courses, has been deeply attached to drink and utterly steeped in debt. He has already extorted from me and appropriated to his own use a large amount of the jewels and ornaments which I obtained as dowry and presents from my father's house, and which it is evident must have been considerable, and it was in consequence of my having declined to submit still further to his demands and supply the means for the continuance of his indulgences that the most unheard of cruelties and tyrannies in the shape of abuses, assaults, imprisonments, and other indignities such as these have been my lot.

4. These sufferings became most intense during the past month or so and they proved so unbearable that on the 17th instant, having found an opportunity of escaping from my husband's house, I did so, and took refuge in a bungalow situated in a garden belonging to my uncle, the present Ruler of Baroda.

5. In this refuge I remained for three days, but during this period my husband applied for the interference of the Resident at Baroda, who, as I am informed, insisted upon the Dewan Saheb, Mr. Dadabhai Nowrojee, to send me by force back to my husband's house; and the reason assigned being that unless this was done a great row would be made by the Mankaries, Sirdars, Silladars, and so forth.

6. It is difficult to understand the object of the Resident's interference in this manner, and for this alleged reason why coercion should be used to oblige an oppressed female to return to the house of a tyrant husband, and why the Mankaries, Sirdars, Silladars, should rise up if the wife of one of their body refused to go to her husband's house are matters which I am unable to account for. Certain it is that on Friday last, the 20th instant, the Dewan Saheb ordered me to go from the said refuge, stopped all my allowances from the Durbar until I returned to my husband's house, and sent a detachment of about fifty cavalry soldiers of the Gaekwar, who environed the place, disarmed and imprisoned the seven sepoys of my body-guard. Upon this one Baba Saheb Soorve came to me with about four or five people and announced that he had been sent by my husband, that unless I went with him peaceably, he would take me along by violence. Under this threatened violence, which came upon me, unprotected as I was in every way, under the auspices of the Resident on the one hand and my uncle's minister on the other, I went in a shigram back to my husband's house.

7. Upon going to my husband's house he admitted me alone and dismissed all my attendants and other servants who were in my confidence and who had been with me, and he forthwith locked me up, and I am now a prisoner in his house once more, a prey to his cruelties and oppressions. On two occasions, viz., in the place of refuge above-named, and again at my husband's house after my return to it, I was driven in the extremity of my despair to attempt my life, but I have been saved by the interposition of friends who promised that relief would be surely obtained from His Excellency. I trust in His Excellency entirely.

8. There is no fitting Court or Tribunal at Baroda to enter into any question of judicial sepation or divorce. There is no justice nor equity. If my husband Nana Saheb Powar has by any means secured the favour of the Resident, as manifestly he has, that officer turns a deaf ear to the wail of his favourite's wife. It happens that my husband has been one of the persons who have been the informants and agitators in all that the Resident has done in respect of the Baroda agitation, and in consequence he has secured the favour and confidence of the Resident.

9. I am now imprisoned in my husband's house. I am seriously afraid of my life. I can touch no food that his people give me. My own people and servants are kept away from me. I pray that my life may be saved by an order from His Excellency, that I may leave my husband's

house forthwith and remain elsewhere at Baroda with my own servants and attendants. Afterwards I asked to be allowed to visit Bombay and stay there, or I shall be ready to submit to such order or disposition as His Excellency may deem fit to devise in my interest.

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Rama Saheb, wife of Tatya Saheb Shirkey, daughter of Mulhar Rao.
Suntoobai, wife of Baba Saheb Bhonslay, daughter of Gunput Rao Maharaj.
Munjoolabai, wife of Khasmgrao Shirkay, daughter of Khunde Rao.
Khasaybai Saheb, wife of Raja of Kolapoor, daughter of Gunput Rao Maharaj.
Kumlabai Saheb, wife of Nana Saheb Powar.

PRAYER:—
1. All attendants to be with her.
2. Prevention from going with him to his country against my will.
3. Visit to Bombay.

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No. 307P., dated Fort William, 29th January 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

WITH reference to your letter, No. 7400, dated 8th ultimo, I am directed to request that you will furnish this office with a complete copy of the correspondence relating to Sirdar Nana Saheb Powar.

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(Extract.)

No. 801, dated Bombay Castle, 5th February 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN reply to Mr. Henvey's letter, No. 307P., dated 29th ultimo, I am directed to forward herewith copies of further papers in the case of Sirdar Nana Saheb Powar or Anund Rao Powar.

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Petition, dated Baroda, 29th September 1874.

From ANUNDRAO POWAR WISWASRAO to His Excellency SIR PHILIP WODEHOUSE, K.C.S.I., Governor and President in Council, Bombay.

I, THE undersigned, most humbly and respectfully beg to draw your honour's kind attention to the following matters:—

I have sent to your honour the memorandums by register as shown in the margin, but have unfortunately neither received any reply to them, nor the Resident here has been, it appears to me, ordered to arrange anything for me. I have in the same way sent several memorandums to the Resident here to the effect, that the Durbar day by day has been trying more and more in order to put me somehow to dishonour, but he has not also done anything. As for Dewan Saheb Dadabhai the following circumstance will plainly show your honour how in his administration answers are given from the Durbar. I ordered my wife not to permit some of her servants who are of bad character to enter into the "wada" (mansion), but on the recommendation and protection of Mr. Damodhur Punt and others she disobeyed me, and thus I was laughed at. Hence I sent to the Senaputtee a memorandum requesting him to get the above servants of my wife dismissed; in answer of which he sent to me a memorandum of No. 523 with his signature on it. The English copies of these two have been enclosed herewith for your honour's notice. The perusal of them will show even, I, the son-in-law of Gunput Rao, the Gaekwar, and a nobleman, has no power at all over my wife at present, then on consideration your honour will easily know how much power the other gentlemen have on their ladies, and also how the information is going here. My whole salary has been given to my wife, and my grain-dealer being strictly ordered by the Durbar not to give my servants nor even to me our "shida" (daily food) so that I, with all my servants, have been hungry these last two days, and thus I am in such great calamities. I therefore most humbly request of your honour to be graciously pleased to arrange this matter soon. When other Sirdars and gentlemen of my rank went to the present king for an interview, I went to him too. Nana Saheb Pritinidhee, Dewan Saheb Dadabhai, Bapoojee Rao Mohitay, the Commander-in-Chief, Mr. Bala Saheb Mungesh, the Judge of the High Court here, were all present at the time. We humbly requested His

A memorandum of No. 913, and dated 5th May 1874.
" of No. 1179, and dated 24th June 1874.
" of No. 1295, and dated 2nd July 1874.
" of No. 954, and dated 21st August 1874.
" of No. 2349, and dated 24th September 1874.
" of No. 2560, and dated 26th September 1864.

Highness to be pleased to recontinue our rights and respects given to us a long time since, but to no purpose. His Highness at length told us to go to Dewan Saheb, who, he said, would adjust our cases. Accordingly we went to Dewan Saheb, who says he should submit to the will of His Highness, so that we had better to follow His Highness' intentions, if not everybody will be put to a loss. The gentlemen newly appointed here get their salary every month, even of the "Adhika Mas," then how can those men have an experience of our being starved. It is spoken so on account of the period of 18 months given to the Gaekwar by the British Government. His Highness has determined not to give a single pie to the old servants, and also Dewan Saheb Dadabhai, who is to make reformation, follows his will, consequently it is too much difficult for us to protect our honour and character. If His Highness had a mind to give us our rights, the British Government would have not been put to trouble to appoint the Commission and to inquire into our cases. Trusting the notice issued by the British Government, dated the 11th November 1873, expressing those who truly proclaim will have a shelter from the Government, we laid our complaints before the Commission. We therefore beg to hope your honour will not any longer connive at our grievances, but will, on the contrary, kindly fulfil the promise held to us in the above-mentioned proclamation, and will take also due steps for our cases. I therefore most humbly beseech your honour to be graciously pleased to take all the memorandums sent up to this date to your honour by me into your kind consideration, and to order the Resident here as soon as possible to make necessary arrangements for me.

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MEMORANDUM.

S. F. Order I., No. 523.

MR. ANUNDRAO POWAR is informed from the Senaputtee Kacheree that your request to dismiss your wife's servants, but those servants have not been employed by you. Sobhagivaty Kumlabai has employed them as men of her trust and confidence. You have no authority to dismiss them. Your request about their dismissal is not proper, as they are the servants of her trust. Do not dismiss them nor put her to any harm for them.

Bhadrapud Sood I Sumbut 1931.

(Sd.) BAPOO MOHITAY.

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Dated Baroda, 14th October 1874.

From ANUNDRAO POWAR WISWASRAO to His Excellency SIR PHILIP WODEHOUSE, K.C.S.I., Governor and President in Council, Bombay.

I, THE undersigned, most humbly and respectfully beg to solicit Your Excellency's kind attention to the following matters, and hope to be kindly excused for the trouble:—

I have sent to Your Excellency several memorandums by register to this day, but am very sorry to state that Your Excellency has neither paid any attention to them nor made any arrangement. It is not that I am a nobleman only through the name of the Gaekwar. Your Excellency* is a second grade Sirdar of the British Government; then if a prince under Your Excellency's authority should oppress his subjects, it is the duty of Your Excellency to redress them and make their *bandobust*. Upon Your Excellency's notification I put forth my grievances as other men did, then if Your Excellency will not pay attention to my true rights and settle my case, it should be considered on the whole that the Btitish Government gave solemn assurances of safety in the notification to ruin me. I have a firm confidence that the British Government, which is just, will never do such a thing: thinking this, I beg to state again that the last memorandum sent to Your Excellency, in which I have requested that the Resident has verbally told the Dewan Saheb Dadabhai to adjudge my case, but he did nothing. I went again on the 3rd October 1874 to the Resident here, who again told the Prime Minister in several ways, but to no purpose. At last on the 6th October 1874 I sent to the said Prime Minister a memorandum by register, the copy of which I beg to enclose herewith for Your Excellency's perusal. I therefore humbly request Your Excellency to be graciously pleased to order the Resident here to tell the Durbar in order to settle my debt as stated in the copy, and pay me the sum of Rupees 2,000 deducted out of my salary in the year Sumbut 1927, and also the sum of Rupees 2,000 which the Durbar has fined me for nothing, and has been given to a relative of Nana Saheb Khanvelker by him, and also I am to be permitted to go to my native land. If the Durbar does not wish to permit me to go to my native land with my wife, it should give me my demands as stated above, and neither it nor Damodhur Punt Nana should speak in household business. Moreover, some of my wife's servants that are of bad character should be dismissed according to the memorandum sent to the Durbar a few days ago, and I may be permitted to inspect the village belonging to my wife. Out of these two things I am ready to follow Your Excellency's preference. I with my karkhana have been hungry for these last fifteen days; and as for my wife, she gets all the produce of her village beside Mr. Damodhur Punt Nana gave her my two month's pay. I therefore most humbly request Your Excellency will order the Resident here to take due steps for my case as soon as possible, and also send me an order that I may go to the Resident here.

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P.S.—I have come to know that Mr. Damodhur Punt Nana has told my wife to present a petition to Your Excellency requesting I am addicted to intoxication, with an intention that Your Excellency may not pay any attention to my case. Accordingly a petition prepared by Mr. Damodhur Punt Nana must have sent or will be sent to Your Excellency by my wife.

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* Sic in orig.

No. 351-1197, dated Baroda, 27th October 1874.

From Colonel R. PHAYRE, Resident, Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

WITH reference to the petition of Anundrao Powar Wiswasrao covered by Government No. 5908 of 13th October 1874, I have the honour to submit the following remarks.

2. The petitioner is a Sirdar of high rank, and is married to a daughter of the late Gunput Rao Gaekwar, brother of the present Maharaj. He is also a 2nd Class Sirdar of the Deccan. The petitioner was present in Baroda at the time that the Commission was sitting, and was anxious to represent his grievances. His case was not brought forward, as there were details in it which affected the present Maharaja personally, and the investigation of which the Commission were anxious as far as possible to avoid. The case has recently been the subject of negotiation between myself and Mr. Dadabhai Nowrojee, but no satisfactory settlement has hitherto been arrived at.

3. The petitioner's case shortly stated is as follows:—

At the time of his marriage with His Highness Gunput Rao's daughter his allowances were fixed as follows:—

| | | |
|---|---|---|
| Personal allowance - - - - - | Rs. | 8,000 per annum. |
| Father's do. - - - - - | „ | 2,000 „ |
| Enam village of Meydad - - - - | „ | 3,000 „ |
| | Rs. | 13,000 |

Besides the usual supplies of provisions, &c.

4. Owing to the non-receipt of these allowances regularly the petitioner originally incurred debts amounting to about Rupees 25,000, which amount has now increased considerably.

5. Since the accession of the present Maharaj his personal allowance of Rupees 8,000 has been kept in arrears, entailing great loss. The allowance of rupees 2,000 fixed for the petitioner's father has been arbitrarily stopped since the accession of the present Maharaj. His enam village has also been placed under the authority of the Maharajah's Private Secretary, Damodhur Punt.

6. The petitioner moreover complains that his wife has been in the habit of visiting the Maharaja clandestinely, and his home ruined by her uncle, the present Maharaj, Damodhur Punt, &c. Regarding this part of the case I received in the month of August last a long statement by the petitioner giving certain details of his treatment by the present Gaekwar and his confidants. I may also mention that the facts then reported have created a very great scandal, and were nearly leading to a serious breach of the peace.

7. The petitioner's relationship to the present Gaekwar and his high rank as a Sirdar appear to entitle him to a proper maintenance and provision. He has expressed a wish to have his affairs settled and to be allowed to go with his family to his native country in the Deccan.

8. The petitioner alleges that the Maharaja pays half his allowances to his wife, but declines to pay him or allow her to accompany him to his country.

9. I am respectfully of opinion that the Maharaja should be advised at once to provide a proper maintenance suited to petitioner's rank and his close connection with the Gaekwar family, and that with regard to this family dispute I be authorized to effect the best arrangement possible under the circumstances.

10. In conclusion I would invite particular attention to the fact that the petitioner has fully represented his case to Mr. Dadabhai Nowrojee, who has spoken to me on the subject, but has not up to the present time been able to effect any amicable settlement.

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No. 6769, dated Bombay Castle, 17th November 1874.

Extract from the proceedings of the Government of Bombay, in the Political Department.

READ—

Petition from Anundrao Powar Wiswasrao, dated Baroda, 29th September 1874—Referring to former petitions, and again asking Government interference in matter of hardships experienced from present Gaekwar Government.

Letter from the Resident at Baroda No. 351-1197, dated 27th October 1874—Stating, in reply to Government No. 5908 of 1874, that the case of Anundrao Powar Wiswasrao (son-in-law of the late Gunput Rao Gaekwar, brother of His Highness Mulhar Rao) has recently been the subject of negotiation between himself and Mr. Dadabhai Nowrojee, but that no satisfactory result has hitherto been arrived at. Describing the petitioner's case briefly. Expressing opinion that the Maharajah should be advised at once to provide a proper maintenance suited to petitioner's rank and close connection with the Gaekwar family, and that he (Resident) be authorized to effect the best arrangement possible in regard to this family dispute. Making remark.

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RESOLUTION.—For the present it is not necessary that the Resident should do more than use his good offices to induce the Maharajah to provide for petitioner in a suitable manner, and endeavour to ascertain from Mr. Dadabhai if there is any prospect of the settlement of a dispute by no means creditable to the Gaekwar or his family.

No. 7552, dated Bombay Castle, 14th December 1874.

From C. GONNE, Esq., Secretary to the Government of Bombay, to Colonel SIR LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

As connected with the subject of Colonel Phayre's letter No. 383–1287, of the 21st ultimo, I am directed to forward to you herewith, for disposal, an original petition, dated 24th idem, from Kumlabai Saheb, wife of Nana Saheb Powar, and daughter of the late Gunput Rao Gaekwar, brother of the present Maharajah, His Highness Mulhar Rao.

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No. 7656, dated Bombay Castle, 17th December 1874.

From C. GONNE, Esq., Secretary to the Government of Bombay, to KUMLABAI SAHEB, wife of NANA SAHEB POWAR.

IN reply to your letter, dated 24th ultimo, I am directed to refer you to Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Commissioner at Baroda.

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No. 7656, dated Fort William, 17th February 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to H. BICKNELL, Esq., Solicitor, High Court, Bombay.

IN reply to your letter dated 5th ultimo, submitting a petition from Kumlabai Saheb of Baroda, I am directed to refer you to Sir Lewis Pelly, the Agent to the Governor-General and Special Commissioner at Baroda.

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## II.—Correspondence with the Government of India.

No. 31P., dated Poona, 17th September 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to report, for the information of the Government of India, the proceedings of His Highness the Gaekwar consequent on the receipt of His Excellency the Viceroy's khureeta forwarded with your letter No. 1586P, of 25th July last.

2. No protest or other answer has been received from the Gaekwar, and it does not appear that any is contemplated by him.

3. In accordance with the advice which the Resident was directed to tender, the Gaekwar caused the officials mentioned in paragraph 11 of your letter to resign their offices, but he expressed the wish to break the fall of one of them, his brother-in-law Nana Saheb Khanwelkur, to whom he has always shown much attachment, by conferring on him the purely honorary title of Prutineedhee without entrusting to him any administrative functions. It appeared to this Government that such an arrangement if really carried out would not be contrary to the spirit of the advice which the Government of India directed to be given, and the Resident was directed to intimate this view to the Gaekwar, at the same time informing him that the honorary title in question would not entitle Nana Saheb to receive any greater honours than those to which he may be entitled as Sir Soobah of the Contingent.

4. After much consideration the Gaekwar decided to appoint Mr. Dadabhoy Nowrojee as Dewan. The Resident whom the Gaekwar previously consulted entertained so unfavourable an opinion of Mr. Dadabhoy's qualifications that the Government thought it necessary to direct the Gaekwar to be informed that no objection would be offered to Mr. Dadabhoy's appointment if His Highness in the exercise of his independent discretion should think proper to appoint him, and that he would receive every assistance from the Resident. Without such an assurance there was reason to apprehend that the Minister's influence would be impaired, and that the Gaekwar might have some reason to complain that he had not been allowed a fair chance of reforming his administration with the assistance of a Minister of his own choice.

5. The Gaekwar has since applied to this Government for the services of certain British officials of standing and experience. Consent has been given to the transfer of these gentlemen if they should be willing to serve His Highness, which he is now ascertaining. Their names will be reported to the Government of India when the arrangements are concluded.

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No. 5812, dated Bombay Castle, 8th October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

REFERRING to your letter dated 25th July, No. 1586 P., I am directed to forward herewith, for the information of the Government of India, copy of correspondence* with the Resident at Baroda, regarding an application of the Gaekwar Durbar for the services of certain Government officers.

P. 3, 4.

*1. Resident at Baroda, No. 269–913, dated 28th August 1874, with enclosures.
2. Government Resolution, No. 5238, dated 7th September 1874.
3. From Resident, No. 290–982, dated 12th September 1874.

Telegram, No. 7C.P., dated 9th October 1874.

From Foreign Secretary, Hazareebagh, to Political Secretary, Bombay.

Your letter No. 5812, dated 8th October. Viceroy would wish either that the men asked for by Gaekwar should be sent him on special duty, or that names of other men willing to go should be suggested to him. Viceroy wishes Bombay Government to give active assistance to Gaekwar in supplying suitable men. Letter by to-morrow's post.

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No. 12C.P., dated Viceroy's Camp, Hazareebagh, 20th October 1874.

From Secretary to the Government of India, Foreign Department, to Secretary to the Government of Bombay, Political Department.

I am directed by His Excellency the Viceroy and Governor-General in Council to acknowledge your letter No. 5812,* dated 8th October, received at Calcutta on the 15th and here on the 19th instant, relative to the application of the Gaekwar for the services of officers for employment in the Baroda State.

* See above.

2. It is matter of regret to His Excellency the Governor-General in Council that, although His Highness the Gaekwar applied on the 17th of August* (a little more than a fortnight after he received the decision of the Government of India upon the report of the Baroda Commission) for the assistance of officers in carrying out the reforms which the Governor-General in Council required him to introduce, no effective steps appear to have yet been taken by the Bombay Government to carry out the instructions conveyed in paragraph 7 of my letter, dated 25th July 1874. No action whatever appears to have been taken on the renewed appeal for help which the Gaekwar preferred on the 12th September,† and which was submitted under cover of your letter of 8th October, without opinion or remark.

* P. 3.

† P. 4.

3. The Governor-General in Council does not consider that the terms of the Resolution of the Bombay Government, No. 5238,‡ dated 7th September, were calculated to invite the assent of the officers named to the offer of the Baroda Durbar, or that any communication was addressed to them expressing the wish of the Government of Bombay that they would accept the offer. As the Government of Bombay intimated that they would not object to the employment of the officers named, it is presumed that the arrangements as to the powers to be vested in them and the conditions of their employment (except in the unimportant matter of pension and leave allowances in respect to which the Gaekwar subsequently intimated his readiness to agree to any special arrangements that might be wished) were considered satisfactory. Under these circumstances, active assistance should have been given to the Gaekwar under the instructions of 25th July, and if the services of the men selected by His Highness could not be granted, the names of other men should have been suggested to him, and the officers selected should have been sent on special duty under orders of His Excellency the Governor of Bombay in Council. To this effect I telegraphed yesterday under instructions of the Governor-General.

‡ P. 4.

4. The Governor-General in Council cannot but regret the delay that he fears, from the information before him, has been allowed to take place in this matter; a delay which is not calculated to encourage the Baroda Durbar in introducing or persevering in those necessary reforms on which so many interests depend. The Governor-General in Council expects that the help of the Bombay Government will be cordially and actively given to the Durbar whenever this can properly be done. If there be no properly qualified officers under the Bombay Government willing to assist in the reform of the Baroda Administration, the Governor-General in Council will be prepared to depute officers serving under the Government of India. His Excellency in Council relies with confidence upon the cordial co-operation of His Excellency the Governor of Bombay in Council in his efforts to place the Baroda Administration on a sound and satisfactory footing.

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No. 6159, dated Bombay Castle, 23rd October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith, for submission to the Government of India, copy of a letter dated 10th instant, No. 319-1109,* from the Resident at Baroda, enclosing translations of communications made to, and received from, the Durbar, consequent on the decision of His Excellency the Viceroy in Council on the Baroda Commission Report.

* P. 10.

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No. 6160, dated Bombay Castle, 23rd October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith, for the information of the Government of India, copy of a letter from the Resident at Baroda, No. 307-1067, dated 2nd idem, forwarding translation of a proclamation issued by His Highness the Gaekwar prohibiting the payment or acceptance of nuzzerana on appointments.

P. 5.

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No. 38P., dated Poona, 30th October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed by His Excellency the Governor in Council to state that from your letter No. 12C.P.* of the 20th October 1874 he has learned, with equal surprise and regret, that the course he has pursued in respect to providing the Gaekwar with the assistance of officers of this Government has caused dissatisfaction to His Excellency the Viceroy in Council, and is regarded by him as "not "calculated to encourage the Baroda Durbar in introducing or persevering in "those necessary reforms on which so many interests depend."

* P. 73.

2. His Excellency in Council in no degree yields to the Government of India in a sincere desire to see those reforms judiciously carried out, and the retention by the Gaekwar of his hereditary position thereby secured. He is fully sensible also of the responsibility resting on this Government, as the authority entrusted with the immediate conduct of the affair, for exerting itself to the utmost in promoting the success of the policy that has been adopted. And he believes it to be in his power to demonstrate beyond question that the task has been undertaken by this Government in a thoroughly loyal spirit, and that it has both in its own acts and in the instructions issued to the Resident exhibited a decided disposition to assist the Gaekwar as far as the instructions it had received and a proper regard for the welfare and character of its own servants would permit.

3. His Excellency in Council, however, perceives that in one most important point this Government did not apprehend the full meaning of the instructions of the Government of India, in paragraph 7 of your letter No. 1586, of 25th July last, of which an explanation is now given in your letter under acknowledgment. It was not understood that by "the request that endeavours be made to meet the "wishes of the Gaekwar and to furnish him with the officers he may require," the intention was that these officers should be ordered to take service under the Gaekwar irrespective of their own consent. It was supposed that the endeavours enjoined referred to the arrangements for the business of this Government by which the services of the required officers could be spared. When therefore the Gaekwar applied for certain officers, the Government, disregarding its own convenience, at once accorded the necessary permission, and guaranteed the officers a lien for one year on their own appointments. With this information before them, the Government of India state in your 2nd paragraph that no effective

steps appear to have been taken to carry out their instructions. The Government of India must therefore have expected that this Government would order these officers to serve the Gaekwar, and from your 3rd paragraph it is still more clearly to be gathered that the Government of India think the only question ought to have been whether the officers could be spared, and if so, they should have been sent on special duty under the orders of His Excellency the Governor of Bombay in Council.

4. His Excellency in Council begs to submit that he is still unable to read the instructions of the Government of India as open to the above interpretation, and it the less occurred to him as the course implied appeared, and still appears, open to grave objection.

5. On the 25th July last His Excelleney the Viceroy wrote to the Gaekwar—
" It has never been the wish of the British Government to interfere in the details
" of the Baroda administration, nor is it my desire to do so now. The immediate
" responsibility for the Government of the State rests, and must continue to rest,
" upon the Gaekwar for the time being. I must hold Your Highness responsible
" for the amendment of the serious evils disclosed, and I leave to you the selection
" of your agents."

6. It is also necessary to keep clearly in view the true nature of the business in hand. It is an attempt at a vital reform of the administration of a State whose Ruler was described by the Commission in terms which it is not necessary for me to repeat. The Agents who had been principally employed by him were men of such character as to have induced His Excellency the Viceroy to press for their immediate dismissal. They were dismissed, but they are still at Baroda; they have constant access to the Gaekwar; and it is a matter of complete uncertainty whether they may not be able altogether to counteract better advisers. During the term assigned by the Government of India no interference can take place. We can advise, and we can register the rejection of advice; but the reckoning must be deferred until the close of the term of probation fixed by His Excellency the Viceroy in Council. The Native gentlemen for whose services the Gaekwar has applied have already earned a high reputation, and have strong claims on their own Government. They know well the past history of Baroda, and the influence with which they will have to contend in the honest discharge of their duty, if they accept service there. They might well have paused before accepting the office. They must be sure that if at the close of the term of probation little or nothing has been effected in the shape of reform, efforts will be made to cast the blame on all within reach, themselves included, and they might well fear a loss of position in the eyes of their own Government.

7. It has not escaped His Excellency in Council that, apart from the question of actually ordering the officers applied for to serve the Gaekwar, the Government of India considers that a communication might have been addressed to them by Government which would have afforded them a strong inducement to take the proffered service. To this course the above objections apply in a minor degree, and it appeared to His Excellency in Council that it would be much more satisfactory if their services could be secured to His Highness without either orders or inducement on the part of Government, and that neither should be resorted to in the first instance. Events have proved that the resort to neither was necessary. The Gaekwar has secured all the officers he desires except one mamlutdar, whom he wishes the Government to nominate. One officer has already joined his new appointment, and orders have been issued that the rest should join immediately.

8. His Excellency in Council at the same time regrets equally with the Government of India the delay which has occurred in the engagement of the officers on the principle on which he has acted, and he enters so strongly into the policy of the Government of India to avoid all possible ground of complaint on the Gaekwar's part of not having received the utmost assistance from Government in reforming his administration within the time allowed to him, that he would most strongly recommend that the time taken up in the engagement of the required officers should not be counted within the prescribed time, and that the Government of India should, unsolicited by His Highness, extend this term from the 31st of December 1875 till the 31st March 1876.

Dated Guneshkind, 2nd November 1874.

From GOVERNOR of BOMBAY (demi-official), to His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA.

GIBBS has written to me that a few days ago a native, whom he has known for several years, called on him, saying he was commissioned by the Gaekwar to mention that Dadabhoy had tendered his resignation, and to ask his advice as to the selection of a successor. Gibbs advised that he should place himself in Phayre's hands.

I have answered Gibbs (and have made a corresponding communication to Phayre) that the native does not appear to have produced any credentials from the Gaekwar. That Phayre cannot recognize the fact of Dadabhoy's resignation having been tendered, unless informed of it by him or by the Gaekwar, and that under no circumstances should he give advice as to the selection of a successor.

I mention this last point that you may be clearly aware of my belief that it is your intention to throw the whole responsibility on the Gaekwar, and to deprive him of the power of saying at the close that we recommended inefficient men.

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Telegram, No. 2397P., dated 7th November 1874.

From VICEROY, CALCUTTA, to GOVERNOR, GUNESHKIND.

YOUR letter 2nd. Quite right not to recognize announcement of Dadabhoy's resignation excepting through proper official channel. If Gaekwar asks Phayre to recommend a Minister, direct him to refer the request immediately by telegraph through you for consideration of Government of India.

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No. 6378, dated Bombay Castle, 2nd November 1874.

From SECRETARY to GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT OF INDIA, Foreign Department.

WITH reference to previous correspondence connected with Baroda affairs, I am directed to forward to you, for submission to His Excellency the Viceroy and Governor-General in Council, copies of the letters and telegrams noted in the margin from the Resident at Baroda, reporting in regard to the attitude of the Sirdars, Silladars, &c., towards His Highness the Gaekwar.

Pp. 12–15.
1. Letter No. 331–1139, dated 16th October 1874.
2. Telegram dated 18th idem.
2a. Government telegram dated 19th idem.
3. Further telegram dated 19th idem.
4. Letter No. 333–1148, dated 17th idem.
5. Letter No. 343–1168, dated 20th idem, with enclosure.

2. In transmitting these papers I am desired to state that this Government proposes to instruct the Resident to address to the Gaekwar the following communication :—

"I am instructed to remind Your Highness that you have been advised by His Excellency the Viceroy to frame, in consultation with me, some general rules under which the expenditure incurred on account of the Silladars and others of the military classes may be reduced with due regard to the just claims of individuals and to the necessities of the State.

"I am further to point out that within the last few days the public peace has been endangered by the assembly of large numbers of the military class, who have, in the most pressing manner, demanded an investigation of their grievances and a settlement of the arrears of pay which they allege to be due to them for two or three years past.

"I am to communicate to Your Highness the opinion of Government that it will be quite impracticable to carry out any rules, however equitable, if such be made for the future control of these military retainers, unless the disputes with regard to the past be first fairly investigated, and those claims which may be established be satisfied by the State.

"I am therefore instructed to advise Your Highness to proceed, with as little delay as possible, to appoint a Commission constituted in such a manner as to

guarantee a full and fair enquiry, to hear and report upon all these claims, with a view to the early satisfaction of such as may be established before it."

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No. 6678, dated Bombay Castle, 13th November 1874.

From SECRETARY to GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

IN continuation of the papers on Baroda affairs ending with my letter of the 2nd instant, No. 6378, I am directed to forward to you, for submission to the Government of India, the accompanying copy of a letter, with enclosures, from the Resident at Baroda, No. 350–1196,* dated the 27th ultimo, regarding the action taken by the Durbar in the matter of the Sindhees and Arabs in the Baroda State.

See above.

* P. 18.

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Telegram, No. 2417P., dated 11th November 1874.

From FOREIGN SECRETARY, CALCUTTA, to POLITICAL SECRETARY, BOMBAY.

YOUR numbers sixty-one thirty-seven, sixty-one fifty-nine, and sixty-one sixty, dated twenty-second and twenty-third October. Send copies of all letters alluded to therein not yet sent, viz.—Phayre to Bombay Government, numbers two forty-four, two fifty-eight, two sixty-four, two seventy-one, of tenth, twelfth, seventeenth, thirty-first August; numbers two seventy-four, two seventy-nine, dated second and seventh September.

Phayre's yad to Gaekwar C. one to C. fourteen of August. Also send copies of all orders by Bombay Government to Phayre not yet reported.

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No. 6831, dated Bombay Castle, 19th November 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith a copy of the papers regarding Baroda affairs required by the Government of India.

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*List of Baroda Papers*


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| 1. | Government letter to Resident, No. 21P., dated 31st July 1874. | P. 20. |
| 2. | „ „ „ 22P., „ 6th August 1874. | „ |
| 3. | From Resident, No. 244–840, dated 10th August 1874, with enclosed yad No. C.1. | P. 22. |
| 4. | „ „ 247–844 „ 11th „ „ | P. 23. |
| 5. | Government letter to Resident, No. 24P., dated 16th August 1874. | P. 24. |
| 6. | From Resident, No. 252–852, dated 12th August 1874, with enclosed yads Nos. C2., C3., C4., C5., and C6. | P. 25. |
| 7. | From Resident, No. 254–854, dated 12th August 1874, with enclosed yads Nos. C7. and C8. | P. 26. |
| 8. | From Resident at Baroda, No. 258–860, dated 13th August 1874. | P. 27. |
| 9. | „ „ „ 264–874, „ 17th „ „ with enclosed yads, Nos. C10., C11. and C12. | P. 32. |
| 10. | From Resident at Baroda, No. 255–857, dated 13th August 1874. | P. 27. |
| 11. | „ „ „ 259–863, „ 14th „ „ with enclosure. | P. 29. |
| 12. | „ „ „ 260–864, „ „ „ „ with enclosed yad No. 9. | P. 30. |
| 13. | Government letter to Resident, No. 26P., „ 24th „ „ | P. 34. |
| 14. | From Resident at Baroda, No. 261–865, „ 15th „ „ with enclosure. | P. 31. |
| 15. | Government letter to Resident, No. 25P., „ 24th „ „ | P. 35. |
| 16. | From Resident, No. 264A., dated 28th August 1874, with enclosure. | P. 36. |
| 17. | „ „ 271–922, dated 31st August, with enclosures. | P. 38. |
| 18. | „ „ 274–929, „ 2nd September 1874. | P. 40. |
| 19. | „ „ 279–945 „ 7th „ „ | P. 41. |
| 20. | Government letter to Resident, No. 29P., dated 7th September. | „ |
| 21. | „ „ No. 268A., „ 31st August. | P. 40. |
| 22. | „ „ No. 30P., „ 7th September. | P. 42. |
| 23. | From Resident, No. 319–1109, dated 10th October 1074, with enclosed yads Nos. C13., C14. and C15., also Durbar replies. | P. 10. |
| 24. | From Resident, No. 307–1069, dated 2nd October 1874. | P. 5. |


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No. 6832, dated Bombay Castle, 19th November 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward to you, for submission to His Excellency the Viceroy and Governor-General in Council, the enclosed khureeta from His Highness the Gaekwar to the Viceroy's address, together with copy of a report from the Resident at Baroda, No. 367–1234,* dated the 4th instant, commenting on the representations made in the khureeta against him.

* P. 81.

2. In forwarding these papers, this Government would only observe that the general considerations on which the Gaekwar's demand for the removal of the Resident is based, might with equal force have been pleaded at the time of the issue of the instructions of the Government of India on the Report of the Baroda Commission, and must no doubt have presented themselves to the mind of His Excellency the Viceroy in Council.

3. Only two instances of alleged opposition on the part of the Resident are specifically referred to in the khureeta, and the explanations that have been given by the Resident go to show that the line of action taken by him was in one instance the combined result of disregard on the part of the Durbar of the claims and grievances of the Sirdars, and of the questionable character of the marriage contracted by the Gaekwar.

4. In the other case I am to state the Resident found himself unable to pass without notice the complaints of certain cultivators of the wrongs to which they were exposed, in spite of all their efforts to obtain redress.

5. The Progress Report† referred to in paragraph 28 of Colonel Phayre's report now forwarded is being printed, and a copy of it will be furnished to the Government of India as soon as possible.

† P. 43, &c.

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Enclosure.

Khureeta, dated Baroda Palace, 2nd November 1874.

From His Highness the GAEKWAR of BARODA, to His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA, Calcutta.

FROM the events which occurred prior to Your Excellency's khureeta of 25th July 1874, it is plain that the administration of this State cannot be carried on and the necessary reforms introduced without the cordial support of the Resident. It had occurred to me, among other matters I desired to say in reply to the above khureeta, whether I should not solicit Your Excellency's attention to the position which the present Resident, Colonel Phayre, had all along taken up towards me, and to submit for Your Excellency's consideration whether with the want of sympathy which existed between us I could expect an unbiassed and fair treatment at his hands in future. I, however, refrained from troubling Your Excellency owing to the confidence expressed by Your Excellency in Colonel Phayre, and in the hope that seeing the course I resolved to adopt on receipt of Your Excellency's advice, he would forget the past and assist me with his active sympathy in the difficult work of introducing a reformed *regimé*. But I deeply regret to say from the experience of the past three months that this hope has not only been not realized, but that on the contrary Colonel Phayre has evinced, if anything, a more determined and active opposition towards me and my administration than before.

From the very commencement he had expressed a strong opposition to the selection of the Minister of my choice. The assurance of support subsequently given by him to my Minister, however, raised hopes in me, but they have not been realized.

On the receipt of Your Excellency's khureeta I at once took the necessary steps as far as practicable, and have been endeavouring all along to give effect to the advice contained therein. Among other things, I have to replace the executive machinery of government with able and experienced men to satisfy on some equitable basis the demands of the Sirdars and others which had received attention from the British Government, and to inquire into and revise the existing land revenue settlement throughout the whole territory. No one, however, can know better than the Resident what difficulties each of these subjects presents, especially when all this is to be effected in a very short time. But when owing to his former attitude, even Colonel Phayre's presence alone would have been enough for a continuance of the unsettled state of the mind of the people, unless he gave me *open* and cordial support, the difficulties of my work became vastly increased by the course of open opposition he has been lately pursuing, I am therefore driven to appeal to Your Excellency, which I do most reluctantly, to decide whether under such circumstances I can have a fair trial.

I may mention here one or two instances in support of my complaint. A charge of defamation was some days ago preferred by my father-in-law against a Silladar by name Chandarrao Kudu. My Dewan himself, in the presence of Chandarrao, read over the proceedings of the preliminary investigation, and in order to give both parties the benefit of an impartial trial, I directed the Chief Magistrate, Mr. H. A. Wadyar, to try the case, instead of the Senaputtee, who is my relative. The accused suddenly left Baroda, and I was informed went to the camp. What he

did there I cannot say. But soon after several other Silladars and some Sirdars with their retainers, some hundred and fifty in number, assembled armed in the house of one of them, openly defying the Durbar authority, and threatening armed resistance. They told the Durbar officials who went to serve the summons on Chandarrao that the case in which his attendance was required was a caste concern, and that they would defend him with their lives if attempts were made to enforce his attendance. They then escorted him to his house and remained there armed to guard him. I sent the Dewan to represent the matter to Colonel Phayre, in the hope that he would use the influence he had over them and uphold the Durbar authority. But to my astonishment the Dewan found the Resident prepared to justify their conduct on the very same plea, and almost in the very same words the Silladars themselves had used. He refused to persuade them to disperse, saying that they would do so only if the criminal proceedings were withdrawn. On the joyful occasion of the birth of my son, I resolved to give up further proceedings against Chandarrao. When I sent the Chief Justice of the High Court to explain to the assembled Silladars that further criminal proceedings would not be taken against Chandarrao, and to ask them to return to their homes, they refused to do so, and substituted in place of Chandarrao's case a new plea for resistance, that unless the grievances of one and all of them were redressed they would not separate. The Resident at the same time addressed me a yad with reference to this assemblage, putting me the very same question, viz., what steps had been taken by me towards settling the grievances of the Sirdars, showing a remarkable coincidence of views.

As another instance, I beg to enclose copy of a letter received from the Resident, dated 20th October 1874, and translation of a petition to the Government of Bombay which accompanied it. The petition is from certain Sindhee Mahomedan cultivators, complaining that they were prevented from cutting their crops, and were mohsaled, &c. Your Excellency will observe the threat of an appeal to arms which is contained in the petition. On inquiry I find that these petitioners had not made any complaint, since the commencement of the last rainy season, either to the talooka authorities, to the head of the Revenue Department, or to the Dewan. The petition, further, on the very face of it, shows that it has been drawn up under the inspiration of designing persons. Colonel Phayre, however, without making any inquiry from me, at once addressed me the above letter. This letter is enough to show the spirit in which the Resident acts towards me. Such proceedings on the part of the Resident cannot but have the effect of encouraging the turbulent propensity of such a class of Mahomedans and disloyalty generally.

These two instances, which I have taken as representative ones, can hardly give an idea of the harassing and vexatious treatment I am at present receiving at the Resident's hands.

This attitude on the part of the British representative has naturally become a source of serious anxiety to me, especially as in such times persons are not wanting who for their private ends take advantage of this state of things, to misrepresent me and to instigate continuous resistance to my authority among my subjects. The result will be a great loss of revenue this year, and a continuance of the unsettled state of the minds of the people. How seriously this state of affairs must embarrass and obstruct me in my intended reforms it is not difficult to conceive.

Your Excellency knows well the extent and nature of the work before me, and I owe it to myself and those whom I have engaged for that work to submit how hopeless any efforts on my part would be if Colonel Phayre were to continue here as representative of the Paramount Power with his uncompromising bias against me and my officials.

I beg it to be understood that I do not impute other than conscientious motives to Colonel Phayre. But he is too far committed to a distinct line of policy and to certain extreme views and opinions, and he naturally feels himself bound to support all and everything he has hitherto said or done. He makes no allowances. He forgets that till the officials I have asked for come, I could not make much progress in the mehals; and continues to lend a ready ear to complaints against me—thus defeating the very object which he says he has in view of helping in the arduous task before me. Colonel Phayre has been my prosecutor with a determined and strong will and purpose, and that he should now be made to sit in judgment upon me is, I must submit, simply unfair to me. From only three months' experience it is clear that he has prejudged the case, and I cannot expect an impartial report from him. I leave myself into Your Excellency's hands. Your Excellency has asked me to stake my all on this trial, and I must therefore request Your Excellency to place me in a condition in which I can really have the fair trial Your Excellency has given me.

I may mention here that I have made some progress in the various reforms recommended by Your Excellency, which will be communicated to Government in due time. As to what I have already done and what I propose to do in the matter of the claims contained in the Commission Report, and upon which Government has given advice, I shall shortly send in a complete statement. For the reduction of assessment I have already fixed upon my arrangements, and I am only waiting for the Government officials I have asked for to carry them into effect.

As I cannot enter, in a khureeta like this, into all those incidents which make up my present troubles and anxieties, I request that my Minister be permitted to visit Your Excellency with the Resident. I shall feel highly obliged by Your Excellency granting this permission by telegram.

I beg to express the high consideration and esteem I entertain for Your Excellency, and to subscribe myself, &c.

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Enclosure.

No. 1986, dated 20th October 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

REFERRING to my Yad No. 2693, dated 8th November last year, and to the recent ebullition of the discontent amongst the Military classes of the State, I beg to bring specially to Your

Highness' notice the accompanying petition received this day from a number of Sindhees, the adherents of Sirdars, &c., some of whom have for some years past taken to cultivation in Your Highness' Mehals in order to obtain a livelihood.

Instead of such a desirable mode of providing for superfluous military retainers being encouraged, as it ought to be, it appears from the petition of these poor people that the very reverse is the case. I request therefore that Your Highness will at once order that substantial justice to be done in this case, which has been so strongly inculcated by His Excellency the Viceroy and Governor-General in his khureeta of the 25th July last.

Now that the peace of the country is endangered on all sides, I must beg seriously to press upon Your Highness' notice that nothing short of an immediate performance of the promises, which you have from time to time made to Government during the last year and upwards, will satisfy His Excellency the Viceroy and Governor-General that there is any meaning or reality in those promises.

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Enclosure.

Petition, dated Ashin Sood, 9th A.D. 1874, Sumbut 1930.

From SINDHEE GAJEE NATHA MEEAH and 24 others, inhabitants of the villages of Uttersoomha, Khairaloo, &c., under Baroda Prant, to His Excellency the Right Hon'ble the GOVERNOR of BOMBAY.

THAT your petitioners' ancestors being originally the inhabitants of Sindh, were brought to this country, the Baroda State, by the late Hamid Jemadar Saheb and afterwards by his son, Amir Saheb, and other Jemadars, &c., during the time of His Highness the late 1st Futtesing Rao Maharaja in Sumbut 1821 (A.D. 1764)—a period of war and trouble, for the purpose of the conquest of this country. At this time some of the ancestors of your petitioners died while on duty, or fighting, and others proved of use and service to this State (during their lives). In consequence of which the rights and privileges of wuttuns were granted to the aforesaid Jemadars in the same way as are enjoyed by the "Chirunjeers," or heirs of the "guddee" or State. In like manner your petitioners being regarded as entitled to a participation of the wuttuns, lands and salaries were assigned to them in Guzerat for their maintenance or service. In this way your petitioners, who were foreigners, were retained here as permanent residents of this country. They came into possession of lands by virtue of mortgage, &c., and these acquired lands, as well as their wuttun ones, were continued to them uninterruptedly, and they also enjoyed the rights and privileges till the time of the late Khunderao Maharaja. Afterwards taxes in the shape of Inam Committee, &c., were demanded from your petitioners, and the same were taken by the Wuhiwutdars from some of them by force, which induced your petitioners to go to Baroda to make a representation to the Hoozoor (Sirkar), on doing which the new imposts were discontinued.

In the year of Sumbut 1927, on the accession of His Highness Mulharao Maharaj and on the installation of the late Gopal Rao Myral as Dewan, the Inam Committee tax was abolished. Afterwards Nana Saheb Khanwilkur, brother-in-law of His Highness, became Dewan, and he ordered the "Inam Committee," together with the other new taxes to be re-imposed. In consequence of these orders the Wuhiwutdars compelled your petitioners to pay the same. Whereupon your petitioners made a representation of their case several times to the Sirkar, but to no purpose. Feeling helpless at this your petitioners were compelled to petition the Resident at Baroda for redress, and your petitioners' master, the Jemadars, also laid most of your petitioners' grievances before the Baroda Commission. Afterwards your petitioners submitted their petitions both to Your Excellency's Government and the Calcutta Government. A copy of the petition to the latter is herewith appended for your information. Notwithstanding this they could not get any redress.

Afterwards the Karkhana of the Paga was entrusted by the Sirkar to the descendant of the late Hamid Jemadar, by name Sha Mahomed Mirza bin Radhunmya on his being confirmed in the same; and although he managed it he did not get the full nemnook from the Sirkar for several years, which was the cause of your petitioners not getting their pay in full. This put them to much distress. It was aggravated by the Wuhiwutdars preventing your petitioners from reaping the crops of their fields; and Mohsuls were imposed on your petitioners. This necessitated your petitioners to make an application to the Dewan, Mr. Dadabhai Nowrojee, who paid no attention to it, nor did he pass any endorsement on the petition. Disappointed at this, your petitioners had recourse to the Resident for redress; a copy of this application has been herewith annexed, a perusal of which will convince Your Excellency of the extent of the oppression under which they are groaning by reason of Mohsuls, &c.

It is now nearly seven or eight months since Mr. Dadabhai Nowrojee has been here, and that he has been exercising the functions of the "*de facto* Dewan" since about a month and half or two; Mr. Dadabhai has entrusted the charge of the Revenue and Criminal Departments, with their executive functions, to the new "Mundullee "(men) of his own selection, and has made a good "bundobust" (arrangement) for himself and them (by way of nemnook). Although he is repeatedly told by the Resident for giving redress to the ryots of the Baroda State, so as to stop their complaints, he does not do so, as he and the new authorities whom he has invested with power are quite unacquainted with the system of the Gaekwar Government. Nor can he. For it has been customary with the Minister hitherto to hear petitions openly at their own houses, or in the Kutchery, His Highness' Palace, and decide the cases in the presence of the petitioners, which tended to give immediate redress to them. In the present instance the petitioners cannot have personal access to any of the officials, the place where they sit being in a very secluded locality. Further they have to report to the sepoy near the entrance to give notice of their

coming to the authorities; and they are only called up if it suits their pleasure to do so. Generally it happens that they have to go back without getting a hearing. In the Durbar also, if the case of any petitioner happens to be called out, the petitioner is only called in, if it suits their pleasure to do so, or else he is to go back. This necessarily places many persons, whose cases are just, to great advantage. If after all these any one is bold enough to go near the Minister, the latter expresses himself as follows to him:—This is a very large State, and I have a very pressing hard work before me, as I am, alone, how can I get through your business? Such is the state of affairs. This puts your petitioners in mind that the Minister being a resident under British rule wants to act the part of an Englishman in this respect, viz., to show his love of working in solitude as Europeans do. But it ought to be remembered that Europeans do hear the petitions of petitioners, and do grant them justice, while this man wants only to imitate the manners of Europeans without giving satisfaction to any one. In consequence of this, thousands of helpless people, who have had no redress given them, have been plunged into despair.

Your petitioners, however, beg to submit that the only alternative left them is to petition Your Excellency; but although they did so several times, no notice has been taken of their petitions up to this time. Their case is rendered the more desperate by the circumstances of the new officials being quite unacquainted with the business routine of this State, the latter therefore are unable to help them out of their difficulties. Hence they are afraid to complain at all. For if they do, the Resident does not arrange their matter; and it only exposes them to the risk of incurring the displeasure of the Durbar officials. People of this State are quite unacquainted with the English rules and regulations, and the new officials do always say something about these rules and regulations. It follows therefore that these persons with the dint of their authority and the force of their intelligence can concoct thousands of schemes as of a nature to cause injury to the people. For it appears that Mr. Dadabhai's mission at this Court has been that of simply defending the late Dewan Nana Saheb and the other officials who are implicated in aggrieving the people. These people had in consequence of their grievances applied to the Resident for redress. An inquiry thereupon was ordered to be instituted into their complaints by the Supreme Government, and Mr. Dadabhai's advent was for the purpose of helping to save the aforesaid persons from the consequences of their deeds, and to break down the cause of the complaints. Since Dadabhai has been a Dewan, he has not settled a single case. He has also contemplated to impose the obnoxious tax of 25 per cent. on the income of the "Hucdaree" class of people; while he has completed a very excellent arrangement of securing thousands of rupees for himself and his colleagues. It will be plainly seen from this that he is quite incapable of making satisfactory arrangements in the State so as to keep the people pleased.

In order to settle differences, and make a satisfactory arrangement in the State, at present it is necessary, and your petitioners trust, that Your Excellency will direct the selection and appointment, to the post of Dewan through the Resident, of an able and experienced Kamdar, and at the same time one who is a hereditary servant of the State. He should have the assistance of impartial and just Kamdars in the administration of the State affairs, and the latter being respectable residents of this place will hesitate to do anything wrong; their conduct in reputation being a sufficient "guarantee," and these functionaries should arrange all differences according to the Resident's wishes—a measure which will tend to give satisfaction to all the parties concerned, and the clamour will subside. But if Mr. Dadabhai were by dint of his authority to make any arrangement for the people, as to him seems best, that would never remove the cause of the dissatisfaction of the people. It will only have the effect of exhausting their patience day by day, and of annihilating the "Huckdars."

Under such circumstances, your petitioners humbly crave that Your Excellency will be pleased to take their case (of "extreme hardships") into your consideration, and order the Resident to make a speedy arrangement for them. Your petitioners have enclosed postage stamps for the favour of an answer from Your Excellency. As your petitioners are now on the "brink of starvation," should there be no prospect of a speedy arrangement of their hucks, they will be forced in that event to have recourse to those measures for securing justice which their ancestors adopted in past times; for as the proverb runs: "It is better for one to sell his life dearly, or with one's "head in hands, than to die the miserable death by the exhaustion of one's limbs (feet)."

Your petitioners, however, have thought proper to make a full representation of their case in the hope that it will induce Your Excellency to pity, and also that no blame may be attached to them if in the end they are compelled to adopt such a course.

(Ashwin Sood 9th; A.D. 1874, Sumvut 1930).

(Signed) SINDEE GAJEE NATHA MYA & 24 others.

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Enclosure.

No. 367–1234, dated Baroda, 4th November 1874 (Confidential).

From RESIDENT of BARODA, to SECRETARY to the GOVERNMENT OF BOMBAY.

IN submitting to Government the accompanying khureeta addressed to their Excellencies the Viceroy and Governor-General and the Governor of Bombay by His Highness the Gaekwar, I have the honour to observe that the present attack appears to be a mere repetition of that made upon Government through their representative at His Highness' Court in May last, on which occasion a courteous but firm obedience to the orders of Government led to precisely the same results as in the instance under report. P. 78.

2. The Resident then incurred His Highness the Gaekwar's odium in consequence of his non-participation in the ceremonies attendant upon His Highness' marriage with Luxmeebaee. Now he has incurred a renewed expression of the same kind of strong personal feeling owing to the delayed recognition by Government of Luxmeebaee's son as the legal heir to the Baroda

guddee, the non-participation by the Resident in the ceremonies usually offered at the birth of a legal heir, non-compliance with His Highness' request for increased military honours to Nana Sahib as Pritinidhi, the events that took place at the time of the Dussera, and finally the kind warning given personally to His Highness a few days ago regarding the non-commencement of reform of any kind.

3. The enclosed khureeta to the address of His Excellency the Viceroy and Governor-General of yesterday's date may be thus briefly summarised :—

(*a.*) That it is solely the Resident's personal hostility and open want of sympathy that is delaying the reform so urgently enjoined by His Excellency the Viceroy, and is aggravating the exceptionally difficult position in which Mr. Dadabhai and the new administration are placed, in illustration of which two serious cases are adduced. First, the action taken by the Resident in the case of the Sirdar Chandrarao Kudu. Secondly, the action taken by him in the case of certain Sindhee Mahomedan cultivators.

(*b.*) That the result of this attitude on the Resident's part has been to encourage resistance to the Durbar authority, whereby great loss in revenue has ensued and the country become unsettled.

(*c.*) That for the reasons above given the consequences of Colonel Phayre's remaining at Baroda must be to render all efforts on their part hopeless.

(*d.*) That the action of His Excellency the Viceroy in publicly notifying his confidence in Colonel Phayre, and in directing him to superintend and report on the progress of the reforms required, is unfair to His Highness the Gaekwar, and precludes the possibility of allowing him the fair trial promised.

(*e.*) That progress has been made by His Highness the Gaekwar in the various reforms recommended, the details of which will shortly be communicated.

4. The first of these accusations, it will be seen, is not new. It is a mere repetition of that contained in the khureetas addressed by His Highness the Gaekwar to His Excellency the Governor of Bombay, under date 9th May and 20th June 1874, relating to the action taken by the Resident under the orders of Government in the Luxmeebaee marriage case, upon which the only comment which it now seems necessary to offer is to allude to the following passage from His Excellency the Governor's reply, dated 27th May 1874 :—

" Your Highness proceeds to complain of Colonel Phayre's general bearing as opposed to the spirit of the past relations of the two Governments. I cannot forget that it was Colonel Phayre's painful duty to remonstrate against and ultimately to report what he regarded as the extreme misgovernment prevailing in the State of Baroda, the existence of which has been established by the inquiries of the Commission."

It will be remembered that His Excellency the Viceroy and Governor-General in commenting on the whole case, as shown in the correspondence under notice, was pleased to give his entire approval to the manner in which I had carried out the orders of Government, and to express the opinion that His Highness the Gaekwar appeared from the correspondence " to have acted in this " affair with grave impropriety." The same letter of the Government of India closes with the following remarks, which appear to have an important bearing on the subject immediately under report :—

No. 1225P., dated 6th June 1874.

" The Government of India notice with much dissatisfaction the tone of and the expression contained in His Highness' letter of 7th May to Colonel Phayre. Any repetition of such language will be very seriously received, and the Resident should be instructed to report at once if at any time he is not treated by His Highness the Gaekwar or his Ministers in a manner suitable to his position as representative of the British Government."

5. With the exception of the case in which I complained of the tone and action of the present administration in a question affecting our British Imperial opium rights, I have refrained from taking any action on the serious instructions of the Government of India above quoted. This restraint I have exercised solely out of my sincere desire to promote, as far as lay within my power, the reforms so urgently required by His Excellency the Viceroy; but occasions have not been wanting when I have keenly felt the manner in which I was being treated, by being constantly importuned to do what was directly contrary to the instructions of Government and by flat denial of assertions as to matters of fact made by me, and in numerous other ways.

6. These facts are now adduced not by way of recrimination, which I entirely repudiate as having no bearing whatever upon the serious nature of the present position at Baroda, but merely to show the difficulty of a position in which any representative at the Court of the present Gaekwar, must necessarily be placed who impartially and fearlessly does his duty.

7. In the present case, however, apart from the serious question of reform which it has been my duty to urge on His Highness' notice, I have been placed in an exceptionally difficult position owing to the disagreeable obligation I have been under of opposing certain schemes on which His Highness the Gaekwar has set his heart, as set forth in paragraph 2 above, and also owing to the fact that this system of false accusations has only been commenced under the present so-called improved administration, and appears to have a special significance as closely following the public, and I trust not unmerited, expression of confidence in myself contained in His Excellency the Viceroy and Governor-General's khureeta of 25th July last.

8. I now proceed to show that in the two illustrations of my alleged personal hostility which have been adduced, His Highness the Gaekwar is hopelessly in the wrong, as I have from the first most carefully abstained from every word or action to which exception could be taken as having a tendency to lower the authority, or increase the difficulties of the present administration. So far, therefore, from lending a ready ear to complainants, as has been wilfully and falsely stated, my confidential Progress Report will show that I have acted with extreme forbearance,

and that if there be any complaint against me at all, it is that I have systematically forced all petitioners to appeal to the Durbar and submit to its authority, even after they had repeatedly done so, and that until I was satisfied that this had been done I persistently refused them even access.

9. It was in pursuance of this policy that from the close of the Commission proceedings in December 1873 up to about a month ago, I turned a deaf ear to all petitioners and refused to see them at all, though hundreds of petitions, many of them of the most serious nature, were constantly reaching me by post from all parts of the Baroda State. The immediate effect, however, of the receipt of His Excellency the Viceroy and Governor-General's instructions of 25th July last was that hundreds of petitioners from all parts flocked to Baroda in the expectation that their grievances would at length receive a hearing from the Durbar. It is true that many of the petitioners who had been waiting on Mr. Dadabhai for the previous eight months represented to me that it was hopeless to expect that they could get justice from one who had persistently closed his ears to all their complaints. I did my best, however, to assure them that the new administration were anxious to do justice, and that they should again represent their cases to them in accordance with the ordinary custom. My efforts, however, were of no avail: towards the end of September hundreds of petitioners returned—importuned me from day to day, saying that they had gone to Mr. Dadabhai, had fully represented their cases, but had no redress for *immediate pressing grievances.* They represented that their crops were ripe, but that they were forbidden to cut them without signing ruinous agreements, and that they were, if anything, worse off than before, owing to an excessive system of mohsulling and demands for sowcais security both for arrears and the present crops.

10. Finding that I could no longer without positive dereliction of duty refuse to take some action on the important and voluminous complaints made to me, I first had recourse to oral communications with Mr. Dadabhai, then to confronting certain of the complainants with him, and finally on finding that no results whatever ensued, and that the advice of His Excellency the Viceroy and Governor-General, which had been tendered about six weeks or two months previously, was a dead-letter, I at last reduced to writing the statements of the chief complainants, and forwarded them to the Durbar for information *and such action as they might see fit.* This action alone of mine elicited any notice whatever. The Minister was at length induced to allow crops to be cut, which in many cases were then rotting on the ground; but not without the strongest personal expostulation at any action in recording the serious statements made by the petitioners. In reply to these representations I took the opportunity of impressing on Mr. Dadabhai that in thus providing the Durbar with clear statements of specific grievances complained of, with a view to their reform, I was acting in the kindest possible manner towards both His Highness the Gaekwar and his new administration, the members of which had little or no personal acquaintance with the details of the grievances complained of. Mr. Dadabhai, however, was most importunate in urging on me the necessity of more oral communications, but I replied that in cases where repeated oral representations had been made by me, and no results followed, it was absolutely necessary, if only for the information of Government, that I should record the exact nature of the complaints made, and show how far the action taken by the Durbar corresponded with the advice tendered by His Excellency the Viceroy and Governor-General and the promises made in reply thereto.

11. From this explanation it will be clear to Government that the sole object of the present administration is to prevent an appeal to facts in forming an opinion upon the real progress of reform. The Durbar have never been moved to take any action whatever to redress grievances until they have received from me a written statement of the petitioners' grievances, and then at once they have turned round and furiously attacked me for adopting the only course which can satisfactorily prove in what manner the advice of His Excellency the Viceroy and Governor-General is being substantially acted up to.

12. I now proceed to notice the two illustrations which have been adduced by His Highness the Gaekwar in the present khureeta in support of his allegation that I am actuated by unfriendly feelings towards himself and his administration.

13. The first case adduced is that of a Sirdar, Chandrarao Kuddu, the circumstances of which are fully reported to Government in the list of correspondence as follows:—

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|---|---|
| 1. Resident's telegram to Government, dated 16th October 1874. | |
| 2. Letter to Government No. 331–1193, dated 16th idem. | P. 12. |
| 3. Letter No. 333–1148, dated 17th October 1874. | P. 13. |
| 4. Telegram to Government dated 18th October 1874. | P. 15. |
| 5. Telegram to Government dated 19th October 1874. | „ |
| 6. Government telegram dated 19th October 1874. | „ |
| 7. Telegram to Government dated 20th October 1874. | „ |
| 8. Letter No. 343–1168, dated 20th October, with accompanying correspondence with Durbar. | „ |

14. It only remains to add certain explanation with regard to the Durbar version of the case, now for the first time submitted, not to me, but His Excellency the Viceroy and Governor-General, under circumstances in themselves suspicious. The Durbar correspondence* on the subject with the Resident will be found with the Government letter, &c., quoted under No. 8 of the above correspondence. It will be seen that in the Durbar yads to my address dated 19th October (the day before the Dussera) no such imputations are made as in the khureeta of the 2nd November† under notice, which may be stated as follows:—

* P. 17.

† P. 78.

1st. That the Resident was prepared to justify the conduct of the Sirdars who had banded together.

2nd. That the Resident declined to use his influence to disperse the Sirdars, on the ground that they had a legitimate grievance by the institution of criminal proceedings against one of their number.

3rd. That he subsequently again justified their conduct of adverting to their pending grievances.

15. These imputations appear therefore to be an after-thought, and though they would be, on this account, underserving of serious attention, I proceed to notice them seriatim.

The first imputation is wholly false, and must have been known to be so by the writer of the khureeta, as it was solely through the Resident's intervention that the Sirdars were ultimately induced to disperse, and allow the Dussera procession to proceed as usual.

With regard to the second point, I have only to observe that I gave advice to His Highness' Minister, the spirit of which I am happy to say was immediately followed with the desired results, although the occasion of a birth of a son was eagerly seized by the Durbar to retire from an untenable position of great danger.

The third imputation is wholly false with regard to the alleged justification of the Sirdar's conduct on my part; I did, however, point out to Mr. Dadabhai the very great danger of allowing a large number of Sirdars and military classes to remain with their grievances unredressed, as brought to notice in my yad to the Durbar, No. 1965, dated 19th October 1874,* and again in No. 1982† of the 20th idem, the day of the Dussera.

* P. 17.
† P. 18.

16. To these views Mr. Dadabhai had of course no objections to offer, and therefore I am the more surprised that the above accusations should have found expression in this unusual manner.

17. With regard to the second illustrasion adduced, relating to the case of certain Mussulman Sindhee cultivators residing in the Baroda and other Pergunnas of the Baroda State, I have the honour to remark that the illustration in question appears to be even more unfortunate than the last.

18. The case of these petitioners was reported to Government in my letter No. 350–1106‡ of 27th October 1874, with accompaniments, viz., a petition dated October 1874, with two accompaniments, one to the address of His Excellency the Viceroy, and the other to the address of His Excellency the Governor, Bombay. It will be seen that the* obnoxious yad referred to by His Highness the Gaekwar was addressed to the Durbar on October 20th, the day of the Dussera procession, and was written at a time when the serious assemblage of Sirdars referred to in the preceding case (paragraph 14 *supra*) was going on. It must also be observed that the petitioners who are Sindhees by race, have only taken to agriculture under the protection of their Sirdars, and are liable to be called upon for military service by them at any time. The connection therefore between this body of men and the discontented military class is obvious, and constituted the real danger of allowing their emergent and other grievances to remain unredressed.

‡ P. 18.

* No. 1986.

19. With reference to this petition and my yad to the Durbar, No. 1986§ of 20th October 1874, I think it material at the outset to state that the writer of the khureeta has for some reason or other suppressed the original petition *to my address*, which was the subject of my yad above referred to, and has very ingeniously, but somewhat disingenuously, favoured Government with a translation of another petition addressed *not to me*, but to His Excellency the Governor of Bombay, *which was not referred to me in my yad No.* 1986 *at all*, but which was merely sent to the Durbar as one of the accompaniments to the petition *to my address*. I did not in fact take any trouble to make myself acquainted with the subject of any petition of these Sindhees other than those addressed *to myself;* nor would the petition to His Excellency the Governor have been forwarded to the Durbar at all had not direct allusion been made to it in the petition to my address above referred to.

§ P. 18.

Disingenuous conduct of His Highness.

20. In order, however, to enable Government to understand the significance of the manœuvre which appears to have been perpretated by substituting for the original petition, which was the subject of my yad No. 1986, a mere accompaniment to the said petition, I have the honour to annex herewith copy* of the petition addressed to me by the Sindhees in question, side by side with copy of their petition addressed to His Excellency the Governor, which has been the subject of Mr. Dadabhai's indignant remarks.

* See p. 19 and 80.

21. From a comparison of the petition to my address hereto annexed, with the petition addressed to His Excellency the Governor, translation of which has been submitted by the Durbar with their khureeta under report, it will be seen why Mr. Dadabhai has *deliberately suppressed the one and commented on the other.* The petition to His Excellency the Governor is vague in its allegations, and is couched in a tone which I am very far from approving of, and should not have sent to the Durbar at all, had it come under my immediate observation, which, as before stated, was confined to the petition addressed to myself.

22. On the other hand the petition addressed to *myself,* which was the exclusive subject of my yad No. 1986, appears to be far more specific in its allegations, and to be perfectly proper and respectful in tone. I moreover took the opportunity of questioning the petitioners personally regarding the subject of their petition, and from their manner and general bearing, I am respectfully of opinion that the allegations made are substantially correct. This opinion, moreover, is confirmed by the fact which appears to have been disingenously suppressed, that Mr. Dadabhai was in fact induced, by my representations in my yad No. 1986 under reference, *to grant the petitioners the immediate and emergent redress sought,* by allowing them to cut their crops and promising consideration of their case. On these conditions the Sindhees have at length returned to their villages, and thus, notwithstanding Mr. Dadabhai's present indignant protest, the main object of my representation has in fact been gained; and moreover what, under the circumstances of the Dussera festival above related, was a serious danger, has been averted.

23. It only remains to notice the statement made in the khureeta that these complainants had never previously represented their grievance to any Durbar authority. This statement, I regret to state, I must pronounce to be entirely without foundation; nor can I imagine how the writer

of the khureeta could have been induced to represent to his Excellency the Viceroy in a formal public document, a fact, the falsity of which happens to be susceptible of specific proof. These petitioners have been, as stated in their petition to my address (copy annexed), perpetually importuning the Durbar to grant them redress during the last eight months. I took care to question them particularly on this point, and I believe their representations to be substantially correct. They have, moreover, produced for my satisfaction a receipt for a registered letter recently addressed to Mr. Dadabhai Nowrojee; and they assured me that their chief representative and karkoons have been in daily attendance at the Durbar for weeks past trying in vain to procure a settlement of their long-pending grievances. In the face, therefore, of evidence of this nature, I can only suppose that the writer of the khureeta has either been misinformed, or has wilfully intended to deceive His Excellency the Viceroy and Governor-General. At the same time I think it my duty to state, and I do it with much regret, that it is now becoming the systematic practice of the new administration to ignore long-pending grievances, and to deny in unmeasured terms that the petitioners, who have for months been importuning, first, the Resident, secondly, the Commission, thirdly, Government, have ever represented their grievances to any responsible Durbar official.

24. Having thus noticed the two main illustrations given of my alleged unfriendly attitude, it only remains for me to notice briefly the remaining points alluded to in paragraph 3 above.

With reference to the alleged results of the Resident's unfriendly attitude (*b.* paragraph 3 above), I may remark that there can be no doubt that the intervention of Government by means of the Commission and His Excellency the Viceroy's instructions on their report have necessarily tended to encourage resistance to a perpetuation of the oppressive system in all branches of the administration which it was my duty first to bring to notice. I am not aware that any resistance has been offered to the exercise of any lawful authority by the Durbar officials; in fact it is to me truly marvellous that the people should have remained so submissive under the system of absolute slavery in which they have long been held.

25. With reference to the alleged loss of revenue, it is obvious that the advice of His Excellency the Viceroy and Governor-General regarding excessive exactions, guddee nuzzerana, &c., must necessarily, for the current year, at least, cause a temporary loss of revenue; but this result is not, I think, under the circumstances, one for which His Highness is entitled to appeal for sympathy.

26. With reference to the 3rd head (*c.*), relating to the required dismissal of myself as Resident, I have long been aware that my removal from Baroda constitutes the chief object of the present Maharaja and his advisers. This is not to be wondered at, considering the part which I have had to play during the last 18 months. The present Maharaja and his advisers are fully aware that I am thoroughly cognizant of all that has been and is going on, that I am not to be cajoled, intimidated, or deterred from carrying out to the best of my ability the orders of Government; and under these circumstances, they are filled with a natural fear that any sham or imposture will not be allowed to pass current without notice from me. It is material, however, to note that my personal relations with the Maharaja himself are, as they always have been, of a friendly and satisfactory nature, and no one is more aware than the Maharaja himself, as he has frequently admitted to me, that my advice is for the real benefit of himself and his State.

27. With reference to the 4th head (*d.*), as noted in paragraph 3, viz., that the action of His Excellency the Viceroy in publicly notifying his confidence in me, and in directing me to superintend and report on the progress of the reforms required, is unfair to His Highness the Gaekwar, and precludes the possibility of allowing him the fair trial promised; I have only to remark that His Excellency is the best judge of the propriety of the course which he has directed to be followed; and that the fair trial desiderated by His Highness the Gaekwar would probably imply many conditions which it would be scarcely possible for any Government to accede to. Moreover His Highness the Gaekwar appears entirely to forget that the ultimate verdict in this very serious case is in no sense dependent on any opinions or inferences of my own, but solely on proved palpable facts, the significance and import of which the Government will alone decide, facts, however, which I have shown in paragraph 10 above, the present Minister is most anxious to suppress.

28. With regard to the final statement (*e*, alluded to in paragraph 3 above) that progress has been made by His Highness the Gaekwar in the various reforms recommended, the details of which will shortly be communicated, I have only to state that it will be time enough for me to criticise this statement when it appears; but in the meantime I would respectfully invite the careful attention of Government to my confidential progress report just forwarded, which contains an exhaustive narrative of what has actually occurred in each group of cases that came before the Commission.

29. I would further respectfully submit, for the consideration of Government, that had real reform commenced in the Baroda State, such a khureeta as that under reply could not have been written, more especially after the serious warning conveyed in His Excellency the Viceroy's khureeta of 25th July last. I believe, however, that in addition to the special personal reasons for this unseemly attack noticed in paragraph 2 above, another important motive is supplied by the fact that on the date that I received the khureeta in question I completed my progress report of the past three months that have elapsed since the receipt of His Excellency the Viceroy's instructions. It will not escape notice that the writer of the Durbar khureeta under report has more than once made special allusion to the progress of the reforms effected during this very period, and taking into consideration the whole tone and spirit of that communication, I think it extremely probable that this khureeta has been written in the hope of nullifying the effects of my serious report.

30. In conclusion I cannot but notice as somewhat significant the direct reference in this matter to His Excellency the Viceroy and Governor-General in Council instead of to my immediate superior His Excellency the Governor of Bombay. The meaning of this, however appears

to be obvious enough; on the last occasion that His Highness thought fit to charge me with offering him an "open outrage and public insult" for carrying out the instructions of Government, he submitted my conduct for the consideration of His Excellency the Governor of Bombay. The courteous but firm refusal of His Excellency to recognise the propriety of the unseemly attack made in that instance on an officer of high rank, was doubtless extremely galling to His Highness, who continued to appeal until the Government thought fit to close the correspondence. In the present instance His Highness has shown his want of confidence in the Bombay Government by summarily appealing in the same unreasonable manner to His Excellency the Viceroy and Governor-General.

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No. 2563P., dated Fort William, 25th November 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

I AM directed by the Governor-General in Council to acknowledge the receipt of your letter of 19th November, No. 6832,* sending a khureeta from His Highness the Gaekwar to the address of His Excellency the Viceroy, and of your letter of the same date, No. 6831,† forwarding further papers completing the correspondence submitted with your letters of 22nd October, No. 6137, and of 23rd October, Nos. 6159 and 6160,‡ in accordance with the request contained in my telegram of 11th November, No. 2417P.§

* P. 78. † P. 77. ‡ P. 74. § P. 77.

2. His Excellency in Council observes that the whole correspondence between the Bombay Government, Colonel Phayre, and the Baroda Durbar, now received, satisfies the Government of India that Colonel Phayre has thoroughly misunderstood the spirit of the instructions both of the Government of India and of the Bombay Government, and that the duties of Resident at Baroda cannot be entrusted any longer to Colonel Phayre with the reasonable prospect of a satisfactory result.

3. The Governor-General in Council has accordingly deputed, as a temporary measure, Colonel Sir L. Pelly, K.C.S.I., as Agent to the Governor-General and Special Commissioner at Baroda. Sir Lewis Pelly has received personally from the Viceroy full instructions for his conduct in the very difficult circumstances under which he will assume his duties. The Bombay Government, to whom Sir Lewis Pelly has been instructed to report himself on his arrival in Bombay, are requested to take all necessary steps to invest him with the needful powers to enable him to discharge, during his tenure of office at Baroda, the duties hitherto discharged by the Resident. Sir Lewis Pelly will also be the bearer of a khurecta from the Viceroy to the Gaekwar announcing his appointment, a copy of which is enclosed for the information of the Bombay Government.

4. While the Governor-General in Council is compelled to express his disapproval of the manner in which Colonel Phayre has acted, His Excellency in Council fully admits the difficulty of the position in which he has been placed, and the integrity of his intentions.

5. The Governor-General in Council has not as yet received information as to the result of the enquiry into the atrocious attempt to poison Colonel Phayre, which was reported in your letter of 14th November, No. 40 P., but His Excellency in Council desires to convey to Colonel Phayre the sympathy of the Government of India and their congratulations upon his escape. This circumstance, however, cannot affect the conclusion at which the Government of India has arrived in consequence of transactions which occurred long before the attempt, that it will not be for the advantage of the public service that Colonel Phayre shall remain longer as Resident at Baroda.

6. The Governor-General in Council trusts that the authors of the attempt will be brought to condign punishment; and, if the investigation has not been completed, it will be the first duty of Sir L. Pelly to bring it to a conclusion, or to recommend the measures that he considers to be necessary for that purpose.

7. The Governor-General in Council regrets to have to point out to the Government of Bombay that serious public inconvenience has been caused by the delay which has occurred in furnishing the Government of India with full information as to their proceedings, and those of Colonel Phayre. The delay is the more to be regretted as the subject was one of first-rate importance, which had been referred by the Bombay Government for the orders of the Government of India,

and upon which instructions had been issued by His Excellency the Viceroy and Governor-General in Council.

8. Although the most important communications between Colonel Phayre, the Baroda Durbar, and the Bombay Government, took place in the month of August, it was not till the 19th of November that the Government of India was put in possession of full information of those transactions.

9. The Governor-General in Council considers that the course taken by the Government of Bombay was not suited to the gravity of the situation, that their notice of Colonel Phayre's conduct, although proper so far as it went, was inadequate, and that it was their duty to have kept the Government of India fully and promptly informed of everything of importance that occurred at Baroda.

10. During the present critical circumstances therefore His Excellency in Council considers it desirable that all orders required for the purpose of carrying out the instructions of the 25th July consequent on the Report of the Baroda Commission shall in future be given by the Government of India. Sir Lewis Pelly has therefore been instructed to communicate directly with the Government of India on those matters, forwarding at the same time duplicates of his letters to the Government of Bombay. His Excellency in Council will be glad to receive from the Government of Bombay any observations which that Government may desire to make on those communications, and he desires to avail himself of the advice and assistance of the Bombay Government on such matters especially as affect the reform of the interior administration of the State of Baroda.

11. Sir Lewis Pelly has been instructed to communicate directly with the Bombay Government in the same manner as the Resident at Baroda has hitherto been accustomed to do on all other matters relating to the affairs of the Baroda State.

12. His Excellency in Council relies upon the Bombay Government to give such instructions to their officers as will secure every assistance being rendered to Sir Lewis Pelly in the performance of the duties with which he is entrusted.

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No. 2564P., dated Fort William, 25th November 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to COLONEL SIR LEWIS PELLY, K.C.S.I., &c.

I AM directed to inform you that His Excellency the Viceroy and Governor-General in Council has been pleased to depute you as Agent to the Governor-General and Special Commissioner at Baroda as a temporary measure.

2. The Viceroy has personally explained to you the object of your deputation, and furnished you with instructions for your conduct in the very difficult circumstances under which you will assume your duties. A copy of my letter No. 2563P. of this date to the Government of Bombay is enclosed for your information and guidance. A printed copy of all recent correspondence regarding Baroda affairs will also be furnished to you in due course.

3. I am to forward herewith in original a letter from His Excellency the Viceroy to His Highness the Gaekwar announcing your appointment, and to request that you will deliver it to His Highness with all due ceremony. A copy is enclosed for your information.

4. Your travelling expenses will be defrayed by Government, and during your employment on this duty you will, with effect from the 13th instant, draw the same pay and also the same allowances as were enjoyed by you as Agent to Governor-General in Rajpootana. Your employment at Baroda is without prejudice to your permanent appointment in Rajpootana.

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Khureeta, dated Fort William, 25th November 1874.

From His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA, to His Highness the MAHARAJA of GAEKWAR.

I HAVE received through the Bombay Government Your Highness' khureeta dated 2nd November 1874.* * P. 78.

I deem it unnecessary to discuss with Your Highness the reasons you have given for desiring a change in the Baroda Residency. But after a careful consideration of the circumstances that have taken place, and moreover in pursuance of the determination of the Government of India to

afford Your Highness every opportunity of inaugurating a new system of administration with success, I have made arrangements to depute an officer of high rank and of wide experience in political affairs to be the representative of the British Government at your Highness' Court..

Accordingly I have appointed Colonel Sir Lewis Pelly, K.C.S.I., my agent for Rajpootana, to be my Agent at Baroda, and he will present this khureeta to Your Highness.

In giving to Your Highness the great advantage of the advice and assistance of an officer of such high distinction who has filled important political functions with great ability and to my entire satisfaction, I have now done everything in my power to aid Your Highness in the efforts which, I am glad to be informed by the khureeta under reply, are being made to reform the administration of Your Highness' territories in consequence of the khureeta I addressed to Your Highness on 25th July 1874.

I shall await with anxiety the reports which I shall receive from Sir Lewis Pelly, from time to time, of the progress of the measures which Your Highness is taking with this object.

I beg to express the high consideration I entertain for Your Highness, &c.

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No. 417–1386, dated Baroda, 8th December 1874.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner of Baroda, to C. U. AITCHISON, Esq., Secretary to the Government of India, Foreign Department.

*See above. WITH reference to your office letter of the 25th ultimo,* I have the honour to forward herewith a khureeta addressed to His Excellency the Viceroy and Governor-General by His Highness the Gaekwar, and handed to me this day. I trust the reply of the Durbar will be considered satisfactory.

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Dated Baroda Palace, 7th December 1874.

From His Highness MULHAR RAO MAHARAJ GAEKWAR, SENAKHAS KHEYL SUMSHEER BAHADOOR, to His Excellency the Right Honourable THOMAS GEORGE BARING, BARON NORTHBROOK, G.M.S.I., Viceroy and Governor-General of India.

See above. I HAVE the pleasure to acknowledge the receipt of Your Excellency's khureeta of 25th November 1874. I earnestly thank you for the determination which Your Excellency's Government pursues of affording me every opportunity of inaugurating a new system of reformed administration with success; and I am quite sensible of the kindness Your Excellency does me in appointing Colonel Sir Lewis Pelly, K.C.S.I., Your Lordship's Agent for Rajpootana, to reside for a time at my Court. I well understand the grave importance of the khureeta which Sir Lewis Pelly has presented to me from Your Excellency. I already perceive the great advantage which will accrue to me from his advice and assistance. I thank Your Excellency for deputing him, and Your Excellency may rely upon my carrying his advice into effect and in every way conforming to Your Excellency's wishes as expressed in the khureeta of 25th July last. I feel certain that Sir Lewis Pelly will very shortly be in a position to report to Your Excellency the satisfactory progress made in administrative affairs, and I beg that if, on receiving your Agent's reports, Your Excellency should find anything to be amended, Your Excellency will favour me with an intimation to such effect, when I will immediately endeavour completely to meet Your Excellency's views.

I beg to express the high consideration and esteem I entertain for Your Excellency, and to subscribe myself.

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No. 7549 of 1874.

From C. GONNE, Esq., Secretary to Government, Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Calcutta.

SIR, Dated Bombay, 14th December 1874.

† P. 86. I AM directed to acknowledge the receipt of your letter No. 2563P.,† dated 25th November 1874, and the accompanying copy of a Khurita addressed by His Excellency the Viceroy to His Highness the Gaekwar of Baroda, and with reference thereto to inform the Government of India that a copy of this communication was at once forwarded to Colonel Phayre with instructions to give over charge to Colonel Sir Lewis Pelly, K.C.S.I., on his arrival.

2. Sir Lewis Pelly is already a Justice of the Peace for this Presidency, and the Viceroy in Council has been asked to give the necessary orders to confer on him jurisdiction under the Military Cantonment Act to hear appeals. His Excellency in Council is not aware of any other especial powers which it is necessary to confer on Sir Lewis Pelly to enable him to carry out the ordinary duties which have hitherto been performed by the Resident at Baroda.

3. His Excellency in Council will afford Sir Lewis Pelly every assistance in his power, and feels sure that no difficulty need arise in carrying out the ordinary work of the Residency which is of a local nature.

4. His Excellency the Governor in Council having, as above stated, taken all the necessary means for giving full effect to the orders of the Government of India, desires to make a few observations on the main decisions communicated to him by your letter under acknowledgment, viz. :—

(1.) The removal of Colonel Phayre.

(2.) The censure passed by the Government of India on this Government.

(3.) The withdrawal for a time from this Government of the control of affairs at Baroda.

5. It is hardly necessary for me to state with what sincere regret the order of the Government of India directing the summary dismissal from the Residentship of Baroda, of an officer of such high standing and character as Colonel Phayre, has been received here. Nevertheless His Excellency in Council, who throughout has been of opinion that Colonel Phayre would have to contend with special difficulties in executing the orders of the Government of India contained in their letter No. 1586P., of the 25th July last, admits that a change in the Residency at Baroda was expedient if not absolutely needful. And so fully alive were the Government of Bombay to the incidents of his position, that, even after receiving the instructions of His Excellency the Viceroy, and learning that Colonel Phayre possessed his "full confidence," they would have transferred the charge of the Residency to other hands, if any other appointment of equal worth had been at their disposal for the employment of Colonel Phayre.

6. His Excellency in Council would have taken this step, from the conviction that the very qualities which made Colonel Phayre an effective instrument for the exposure of the gross mismanagement of the Baroda State, were ill-adapted to the more delicate task of proffering advice to the Prince whose mal-practices he had dragged to light. The circumstances of the case enabled the Gaekwar to claim, as he did on the 2nd November,* the removal of Colonel Phayre, on the plea that he had been throughout his determined prosecutor, that he could not therefore exercise impartial judgment, and that the difficulties of reforming the administration were increased by the hopes of support from the Resident, which the Prince's enemies founded on their knowledge of the part Colonel Phayre had played towards the Durbar.

7. But it is against the time and manner now chosen by the Government of India for Colonel Phayre's removal that His Excellency in Council feels bound to record his respectful protest. This removal follows closely upon the receipt of a Khurita from the Gaekwar praying that Colonel Phayre may be re-called, and upon an attempt to poison that officer, of which at least it may be said, without forestalling the result of any judicial investigation, that it could hardly have been prompted by other than political motives.

8. To remove a Resident at such a juncture seems to this Government likely to give rise to a very serious misapprehension in the minds of Native Chiefs, who will be unable to disconnect the fact of the removal from one or other of the above incidents; and the result is not unlikely to be, that this act of the Supreme Government will be viewed by them as a proof of weakness. It was at once viewed at Baroda as a complete triumph on the part of the Gaekwar.

9. His Excellency in Council also cannot but fear that the body of public servants employed in political affairs throughout India may be injuriously affected by the removal at such a time, and unaccompanied by any circumstances which might mitigate the severity of the act, of an officer who will be known to have ventured, in the honest and conscientious discharge of his duty, to expose the abuses practised in an important Native State, and who had been able to convince the Government of India of the truth of his statements.

10. The peculiarities of Colonel Phayre's personal character and of the position in which he stood to the Gaekwar have been manifest throughout, and must have been as patent to the Government of India when they issued orders on the Commission's Report in July as they are now; and had they at that time suggested and facilitated his transfer to another appointment of equal value, or otherwise compensated him, this Government would most cordially have assented for the reasons mentioned in the 5th and 6th paragraphs, and the change would have commended itself to Colonel Phayre as well as to the public. But the order now issued is, in the opinion of this Government, unjustly severe on an officer whose conscientious and praiseworthy efforts had brought about the beneficial intervention of the British Government for the protection of the people of Baroda.

11. I am now directed to refer to the second point. When, shortly after Colonel Phayre had received the detailed instructions of this Government, it was found that, as regards the nominations of Mr. Dadabhoy as Minister and Bhow Saheb Khanvelkur as Pritinidhi, he had evidently mistaken the policy laid down by the Government of India, the first thought of this Government was to recall him. But no warning or caution had been given him, and the Durbar had only just received an intimation that he possessed the full confidence of the Viceroy. He was, therefore, at once sent for to the seat of Government, and, after his explanations had been considered, His Excellency the President, both at a special meeting of Council and also privately, admonished him and pointed out clearly the course he was bound to adopt. It was plainly intimated to him that his retention of office must depend on his strict conformity with the spirit of his instructions. A letter* was also sent to him recapitulating the course of action that had been pointed out to him.

* P. 20.

12. It is with much regret that His Excellency in Council now finds that the notice then taken is only considered by the Government of India as "proper "so far as it went," but inadequate, and further that delay in forwarding the correspondence relating to it is assigned as the reason for temporarily withdrawing from this Government, for all practical purposes, the management of Baroda affairs.

13. The appointment of Resident at Baroda belongs by law to this Government. The retention of it by Colonel Phayre was a matter for them to decide, on which the Government of India had maintained silence. This Government felt strongly both the impolicy as regarded the Gaekwar, and the injustice as regarded Colonel Phayre of summarily removing him from his office without compensation. And having permitted him to return to Baroda, it did not occur to them that it was necessary to report immediately to the Government of India the very stringent instructions he had received, and which it was hoped he could no longer misapprehend.

14. Lastly, with regard to the 3rd point, I am to observe that by the abrupt withdrawal of the direct control of the affairs of Baroda, without any opportunity for explanation being afforded, His Excellency in Council cannot but feel that a grave reflection has been passed upon this Government. They were deeply interested in the successful operation of the orders of the Government of India. They had originated the enquiry and Commission, they had strongly supported the Report of that Commission, they had been entrusted with the duty of carrying out the details of the orders, and they had striven by all the means in their power to give full effect to the policy of the Viceroy. They are, therefore, at a loss to discern any substantial reason for the course actually adopted in its bearing on themselves.

15. I am to add that copies of this correspondence will be at once forwarded to Her Majesty's Secretary of State.

I have, &c.,
(Signed) C. GONNE,
Secretary to Government.

Bombay Castle, 14th December 1874.

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No. 7550 of 1874.

From SECRETARY to GOVERNMENT, Political Department, BOMBAY, to the SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

SIR, Dated 14 December 1874.

WITH reference to recent correspondence connected with Baroda affairs I am directed to forward herewith, for submission to the Government of India, copy of a letter from Colonel Phayre, C.B., Resident at Baroda, No. 406–1352, dated the 1st instant, and to state that the opinion of this Government on the removal of Colonel Phayre from the Residentship of Baroda is fully set forth in my letter of this date, No. 7549.

I have, &c.
(Signed) C. GONNE,
Secretary to Government.

Bombay Castle, 14 December 1874.

True copies.
P. RYAN, for Secretary to Government.

No. 406–1352 of 1874.

From Colonel R. PHAYRE, C.B., Resident, Barodar, to the SECRETARY to GOVERNMENT, Political Department, Bombay.

SIR, Baroda, 1st December 1874.

I HAVE the honour to acknowledge the receipt of your letter, No. 50P., dated yesterday, conveying to me the intelligence that His Excellency the Viceroy and Governor-General in Council is satisfied from the perusal of certain correspondence of the Bombay Government, that I have thoroughly misunderstood the spirit of the instructions both of the Bombay Government and the Government of India, and that the duties of Resident of Baroda cannot any longer be entrusted to me with the reasonable prospect of a satisfactory result.

2. While I have no wish whatever to call in question the decision at which the Government have arrived, I respectfully submit that I am entitled to receive some more specific information regarding the points in regard to which I am said to have thoroughly misunderstood the spirit of my instructions.

2. The only points upon which I have had the misfortune to differ with Government are,—

First. With regard to the appointment of Mr. Dadabhai Naurojee as Minister of the Baroda State.

Secondly. With regard to the military honours to be given to the dismissed minister Nana Sahib Khanvelker.

4. The first intimation which I received from Government objecting to the conduct of my negotiations on the first of these points, was contained in Government letter, No. 24P.,* of 16th August 1874, which I received on the eve of my departure to Poona on duty, and replied to in person.

* P. 24.

5. The next intimation which I received on both points was conveyed in Government letter, No. 25P.,† dated 24th August 1874, to which I replied in my letter, No. 264A., of 28th idem.

† Pp. 35, 36.

6. To this communication the Government replied in their letter, No. 29P.,‡ of 7th September 1874, closing the correspondence, with an intimation that further discussion was undesirable.

‡ P. 41.

7. From that date (7th September) up to the receipt of your letter under reply, no official intimation has been received by me from Government in any way disapproving of or reflecting upon any of my subsequent proceedings.

8. I received, however, much to my surprise, on the 16th November a private intimation from His Excellency the Governor, that my proceedings were not approved of, and that His Excellency the Viceroy considered that I ought to resign my appointment, on the ground that I wished no personal considerations affecting myself to interefere with the satisfactory solution of affairs. I was, however, expressly directed to exercise my own discretion.

9. As I was unconscious of any personal considerations whatever in the matter, and was aware that the greatest efforts were being made by the Durbar, and had been for some time previously, to procure my removal from my present appointment by intrigue and malicious representations, I thankfully accepted the discretion which His Excellency the Viceroy had offered me, and declined to tender my resignation, on the ground that I deferentially considered my stay at Baroda to be for the *bonâ fide* good of the public service, and because I was not conscious of having done anything to merit the professional ruin which my resignation, without other provision being made for me, would entail.

10. Under these circumstances I would respectfully submit that I naturally feel much grieved at the unusual and summary course which has been adopted in depriving me of my appointment, without furnishing me with any information as to the specific cause which has rendered necessary so sudden and severe a measure, and I trust, therefore, that as I have been deprived of all possible means of defending myself and thus averting the serious step which the Government has now thought it necessary to take, I may receive that justice which I confidently look for at their hands.

I have, &c.
(Signed) R. PHAYRE, Colonel, Resident.

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No. 431–1248, dated Baroda, 18th December 1874.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN my letter No. 415 of the 7th instant I alluded to the promises made to me by the Minister of the Gaekwar to the effect that I should receive written communications, drawn up in the spirit I recommended, concerning the requirements made by His Excellency the Viceroy and Governor-General in Council in your Office letter No. 1586 P. of the 25th July 1874, and in His Excellency's khureeta to the Gaekwar of the same date.

2. I have now the honor of enclosing English version of 11 yads in margin addressed to me by His Highness under date 7th December 1874: these versions were prepared by the Minister and were handed to me with the Maratha translations so that there might be no misapprehension of meaning.

Nos. 2264 to 2274.

No. 2392 of 1874.

3. I enclose also the acknowledgment* which I have sent to His Highness of all these yads.

* P. 96.

4. His Excellency in Council will observe that in my acknowledgment I have strictly limited my function to that of advice. My yad concludes with the following words:

"I beg Your Highness to rest assured that on all occasions I shall be most happy to aid Your Highness by my experience and with my advice; and it will then be for Your Highness either to accept that advice or to refrain from so doing. The responsibilities of the administration of the Baroda State rest on Your Highness, and I desire that all acts of authority may emanate from Your Highness."

5. As regards the yads received, I trust His Excellency in Council may deem them satisfactory. I have postponed transmitting them until the present time in order that I might test the assurances of the Gaekwar by his actions. And it is fair to him to say that in so far as his conduct is concerned, from the date of my arrival here down to the present time, I have no reason to complain. He has to the best of his ability acted up to his assurances and himself taken interest and pains in seeing to administrative reforms. He is unquestionably alarmed at his situation and prospects, and almost daily visits me to consult and to intimate progress.

6. At the same time the confusion and almost dead-lock to which affairs have been brought here by a combination of causes, among which the maladministration of more than one Ruler is prominent, are deplorable.

7. To return, however, to His Highness' yads, with which alone my present letter pretends to deal, the marked feature of these is that whenever desirable the Gaekwar requests that His Minister may meet the several classes of complainants at the Residency and there settle matters in my presence or with the aid of my advice.

8. In this manner some complaints on the part of the Sowcars and Sirdars have already been looked into and the enquiry is now suspended only to afford time for the financial condition of the State to be analysed and tabulated; for obviously it would be premature for the Durbar to commit itself to promises of allowances, inams, &c., until it shall be reasonably certain that funds are forthcoming wherewith to fulfil these promises.

9. The yads and enclosures relating to Proclamations issued show that in instances where these Proclamations have been infracted punishment has followed, a remarkable result is that the guilty parties now tend to petition the Residency against punishments.

No. 2264.

10. The yad requesting the aid of Police Officers is, I think, judicious: the criminal procedure cannot be satisfactory so long as the Police remains corrupt and disorganized.

No. 2274.

11. As regards the yad on assessment, a satisfactory Proclamation is now being issued* promising fair remissions. I shall have the honor of submitting a separate report on the land revenue.

* Issued to day, 18th December 1874.—(Sd.) L.P.

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Translation of a yad No. 2264, dated 7th December 1874.

My Dewan having submitted to me the summary of the conversation between Azum Governor-General's Agent and Special Commissioner Saheb Bahadoor and him to the effect that punishment of offences should bear a reasonable relation to the crimes committed, I trust that in appointing Mr. H. A. Wadia† to the Chief Magistracy I have taken a practical and useful step towards securing the object now under notice. But I am aware that the question now before us is a very delicate one and touches the large questions of Police and Judicial administration. On the best consideration I can give to the subject, I think that the best plan will be for me to continue Mr. Wadia as Chief Magistrate, and to limit the sphere of action of the present Chief of Police to the city of Baroda and its environs. This will leave the Police of the Mofussil to be provided for, and I would ask the favour of your requesting his Excellency the Viceroy to oblige me at an early date with the services of two steady and experienced Police Officers, who between them should have charge of the Police of the whole of the Mofussil for a period of one year upon such salaries as His Excellency may deem fit to name.

† A Barrister called to the Bar in England.—(Sd.) L.P.

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Translation of a yad No. 2265 of 1874.

My Dewan has submitted to me a summary of the conversation that passed between you and him concerning the prohibition of the infliction of corporal punishment on women, and absolutely interdicting by Proclamation, under severe penalties, the personal ill-treatment of females, whether in jail, before Courts, or under examination by the Police.

As I have already intimated in my yad No. 1560 of 1874, a Proclamation has been issued (8th October 1874) as above desired, a copy of which is enclosed. I am unaware that the Proclamation has been in any instance disregarded, and can only assure His Excellency the Viceroy that if you or any other person can now or shall hereafter bring an instance of the offence now referred to to my notice, I will engage that immediate and adequate punishment be inflicted.

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Translation of a Proclamation on the subject of inflicting corporal punishment upon women appended to yad No. 2265 of 1874.

(Shrimant Sircar Senakhas Kheyl Sumshere Bahadoor.)

Fouzdari and Police officials are ordered by this Proclamation not to inflict any corporal punishment, such as flogging, &c., upon women, nor to do any injury or other bodily harm in this way to women, whether in prison or before the Courts, or during police investigations. Any Government servant conducting himself or allowing others to act contrary to this order will be severely punished, and will be liable for dismissal.

Bhadareva, Sumbut, 1931.

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Translation of yad No. 2266 of 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning the practice of torture on the part of subordinate officials. I have already intimated in my yad No. 1458 of 1874 that I shall take proper steps to prohibit any such practice, and a circular has been since issued, of which I enclose a copy. Since the issue of this circular certain instances of infraction have come to my notice and have been dealt with by the Criminal Court.

Should any instance of this practice come under your notice, favour me with an intimation of the same, when it shall be forthwith dealt with by my Criminal Court. 7th December 1874.

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Translation of a Circular Order issued on the subject of torture. (Appended to yad No. 2266 of 1874.)

The Foujdari Kamdar is ordered that if in his department any force or violence is resorted to against any man in order to extort confession from him, or for any other purpose, such proceedings must at once be put an end to, and strict watch must be kept that henceforth no Sirkari servant resort to such means. If any one is ever convicted of such misconduct he must be punished severely. This is written by order of Shrimant Sircar Maharaja. Shrawan Sud 9, 1931.

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Order (from Hujoor Foujdar) to all Vahivaldars in the Mahals.

You and the Foujdars must acquaint yourselves with the (above) order from the Huzoor and must henceforth conduct yourselves accordingly. The order must also be explained and brought to the notice of all Karkoons, Thannadars, and Police servants under you, and to all men employed in Police service, and to all men engaged in any police investigation, and they must be ordered to act accordingly. If any of them fail to observe such conduct, you must at once report it to us. On your failing to report this, and in case you or the Foujdar is proved to anything wrong, due notice shall be taken of your or his conduct. You must acknowledge receipt of this Circular (order) by a separate report. Shrawan Sud 10, 1931.

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Translation of a Yad, No. 2267, dated 7th December 1874.

My Dewan has submitted to me the summary of the conversation that passed between you and him concerning the nuzzerana on accession. I have already written on the subject, but in view to avoid all possibility of misapprehension, I give myself the pleasure of repeating my assurance that I will not levy the accession nuzzerana; and I would explain that when in ascending the guddee I ordered the levy of a nuzzerana, I did so with the concurrence and knowledge of the then Resident. I simply followed the example of my predecessors who had levied nuzzeranas on several occasions. Some of my subjects have satisfied my demand, but finding the practice to be considered objectionable by His Excellency the Viceroy, I have quite discontinued it, and will not resume the levy.

I do not understand the requirement of the British Government on the subject to have retrospective effect, nor indeed would the present financial condition of the country admit of my reimbursing the revenues already brought to account and expended.

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Translation of a Yad, No. 2268 dated 7th December 1874.

My Dewan has submitted to me the summary of the conversation that passed between you and him concerning the complaints of certain State and other Bankers of Baroda. I have already in the schedule attached to my khureeta of 1st December 1874 stated the settlement which I propose, and with your permission I will now depute my Dewan to meet the complaining Bankers at the Residency, and with your aid and advice satisfy the complainants and receive their razinamas in your presence. I on my part will engage to abide by the settlement so made.

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Translation of a Yad, No. 2269, dated 7th December 1874.

My Dewan having submitted to me a summary of the conversation which took place between him and you on 6th instant in reference to the settlement for the future of the salaries, pensions, and gratuities which may be accorded by me to the military classes, the proposal entirely meets my approval, and I have now accordingly deputed my Dewan and the Chief Justice to meet some of the principal Sirdars at the Residency, and discuss and finally arrange the above details; and I doubt not that, in accordance with the friendly spirit shown by you, you will favour me by giving advice and assistance at the discussions.

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Translation of a Yad, No. 2270, dated 7th December 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning the settlement for a term of years of the so-called Ghasdana claims on the seven Thakoors of Beejapoor, referred to in No. 2 of Schedule II. of the Report of the Commission. I am sincerely desirous of seeing these claims settled in an equitable manner in conformity with the wishes of His Excellency the Viceroy. Accordingly, I have instructed my Dewan and the Sir Soobha to meet the complaining Thakoors at the Residency, and then settle the claims for a term of years in your presence, and with your advice and assistance.

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Translation of a Yad, No. 2271, dated 7th December 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning forcible abduction of women for service. I have already in my yad, No. 1460 of 1874, denied the existence of such forcible abduction, and promised punishment of anyone who should be concerned in such practices, and on this subject I can only promise that should any alleged instance of forced abduction come to your knowledge, I will, on receiving intimation thereof, satisfy you that the crime is adequately punished.

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Translation of a Yad, No. 2272, dated 7th December 1874.

My Dewan having submitted to me the summary of the conversation that passed between you and him concerning the prohibition of levying nuzzerana on appointments, and the issue of a proclamation notifying the same, I give myself the great pleasure of informing you that the required proclamation was issued under date Shrawan Wud 14th, Sumbut 1931 (9th September 1874), and a copy of the same forwarded to the Residency with my yad, No. 1668 of 1874. Enclosed is another copy.

Down to the present time I am unaware of the proclamation having been in any instance disregarded; but should any instance come to your notice, favour me with an intimation to such effect, when I will forthwith carry into effect the provisions of the proclamation.

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Translation of a Proclamation on the subject of nuzzeranas. Shri (the Goddess of Wealth).

Appended to Yad No. 2272 of 1874.

(Seal.)

[SHRIMUNT SIRCAR SENAKHASHEL SUMSHEER BAHADOOR.]

IT is hereby notified to all people that whoever gives or takes nuzzerana for the purpose of obtaining or granting Government appointments, and that whoever attempts to give or take nuzzerana as aforesaid shall be liable to such punishment as is awarded to the offence of giving and receiving bribes, and that if the offender be Government servant he shall be liable to dismissal.

Written on 27th day of the month of Rujub Shravan, 1931 Sumbut.

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Translation of a Yad, No. 2273, dated 7th December 1874.

MY Dewan has submitted to me a summary of the conversation which took place between you and him concerning the attachment of Wuttuns within the limits of the Baroda State. On this subject I would remind you that those attachments were made before I ascended the guddee, and that they were released by me before the assembling of the recent Commission.

I understand that in the British territories it has been found necessary to institute enquiries into alienations, and to adopt certain principles for settling inams, jaghires, &c. My sincere desire is to proceed in this approved manner, and in doing so avail myself of the experience of a qualified official of the British Government; accordingly I have appointed for this purpose Mr. Pestonjee Jehangeer, Settlement Officer of the Northern Division of the Bombay Presidency.

It must, however, be expected that it will prove impracticable to satisfy all the pretensions of the wuttundars, who, as I understand, experience shows to be exceedingly tenacious of doubtful titles.

This enquiry, although it shall conform in principle to those which have been conducted in British territory, could not justly be carried out according to the letter of the British practice, because in my territory the enquiry will relate to alienations which form a portion of the present constitution of the country, whereas in British territory the enquiry related to alienations which had originated mainly under previous rule.

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Translation of Yad, No. 2274, dated 7th December 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning the prohibition of the barbarous processes employed for realizing the revenue, and the introduction of a moderate and equitable settlement. I have given my best attention to this subject, and have strictly prohibited the exercise of oppression in the collection of the Government revenue. I give myself the pleasure of enclosing copy of a circular which has been issued on the subject.

As regards the revenue settlement, what has already been done is as follows :—

1. The settlements of four Mahals of the Northern Division as made by the Sir Soobha and sanctioned by me are being carried out.

2. Rao Saheb Laloobhai Karsandass,* Sir Kamdar, has been deputed to enquire into the jummabundee of the remaining four Talookas of that Division, and to submit his reports as soon as possible.

3. Rao Sahebs,* Keshaorao, and Chaganlal, Sir Kamdars, have been deputed to the Southern Division with similar instructions.

4. Large reductions in Naosaree have been sanctioned, and are now being carried out by the new Soobha. I have now instructed the head of my Revenue Department, the Kazi Shahabudeen,† who is, I believe, well known to you, to proceed to the Residency and explain to you without reserve all details under this head. I have also desired him to request the benefit of your advice with regard to the settlements he has already worked out.

† A British official.

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Translation of Circular issued on Ashwan Shoodha 15th, Sumbut 1931 (Appended to Yad No. 2274 of 1874).

In orders dated Shravan Shoodha 9th, No. 42, and Bhadrapad Shoodha 12th, No. 89, it is directed that measures should be taken in the matter of collecting land and other revenue to prevent ill-treatment on the part of collecting officers of the persons by whom money is due; and that in default of payment by those from whom revenue on account of land, salami, cash imposts, and other than land tax may be due, the same should be recovered in the manner below prescribed.

1. Mohusul.—Care should be taken that the Mohusul Horsemen or Foot does not act unauthorizedly towards the defaulter, and that he takes from the latter only the fixed rations for himself and for his horse (if a horseman), the Mohusul fee to be levied in addition to the rations should be fixed in reference to the amount to be recovered and the ability of the defaulter to pay. The fee should be credited to Government.

2. If the defaulter be cultivator of Government land his right of possession should be sold by auction.

3. Such property as is liable to be sold in satisfaction of a decree in a Civil suit should be sold by auction to the extent of the amount of the demand according to the provisions of the Civil Code.

4. The above three modes are prescribed, but if it appears to the collecting officer that the defaulter is able to pay, and is only withholding payment with a fraudulent intention, the collecting officer is to have power to detain the defaulter in the kutcherry. In exercising this power care should be taken that the defaulter is not made to stand in the sun, beaten, made to hold his toes, and such other cruel and oppressive treatment, or any other kind of torture is not employed. The Talooka authorities should not have the power to detain a man in the kutcherry for more than ten days without the Sir Soobha's orders.

5. Farmers shall have the power of sending Mohusul according to Clause 1, subject to appeal to the Vahivatdar. But they shall have no powers to act upon Clauses 2 and 3. Should a farmer find it necessary to put those clauses in force, he should apply to the Vahivatdar, who, if he thinks it necessary to assist the farmer, should make a record to that effect, and act upon the clauses.

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* All these are British officials.

6. It has come to knowledge that village accountants sometimes behave in an oppressive way towards cultivators. Strict supervision should be exercised to prevent this.

7. Anyone acting contrary to this order should be held strictly answerable, and adequately punished.

Such are the orders from the Huzoor. On this I have to write as follows:—

1. The first clause is about Mohusuls. The rations of the Mohusul Sowar or Foot to be two seers and one adhole, and not more on any account. The Mohusul fee should be fixed in reference to the amount to be recovered and the ability of the defaulter to pay. A Mohusul chit should be written, and the reason for imposing the Mohusul should be entered therein, a full copy of it being kept on record. No Mohusul should be sent without a chit. The Mohusul fee should be credited to Government.

2. Clauses 2, 3, 4, 6, and 7 should be carefully acted upon.

3. According to Clause 5 you should inform the farmers in your districts; and should a farmer or a defaulter apply to you, you should act according to the provisions of that clause.

4. You will explain these orders to all the Karkoons and other servants under you, and report at once any infraction of them.

Act upon this.

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No. 2392, dated Baroda, 16th December 1874.

From Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda, to His Highness the Gaekwar of Baroda.

See above.

In acknowledging the receipt of Your Highness' yads, Nos. 2264 to 2274, of the 7th instant, I give myself the pleasure of intimating that, in accordance with the commands I have received from His Excellency the Viceroy and Governor-General, I shall readily accord my advice whenever asked by Your Highness or Your Highness' Dewan in respect to the matters referred to in Your Highness' yads now under acknowledgment.

Already two or three cases of the Soukars' complaints have been discussed between your Dewan and the Soukars at the Residency, and one of these cases has, I believe, been amicably settled.

But in the case of Hurree Bucktie I am quite unable to offer any solution of the questions and claims submitted concerning a chittie for 20 lakhs of rupees on the one side and the transference of certain jewels on the other.

It appears that Hurree Bucktie admit they gave a chittie for 20 lakhs to His late Highness, and that they subsequently paid His late Highness six lakhs on account. But they allege that His Highness prior to his decease consented to cancel the chittie. But they are unable to adduce any evidence in support of this allegation, as they say the cancelment was arranged *viva voce* with His late Highness' Dewan, the late Govind Rao Roria.

The Firm further assert that the jewels passed from their premises to Your Highness were unwillingly parted with, and were taken wholly apart from the question of the chittie.

The complainants alleged before me that the emerald necklace was taken by Your Highness subsequently to your returning the chittie to them, and could not therefore have been taken in consideration of that return. But I find that the complainants alleged before the late Commission, of which Colonel Meade was President in December 1873:—

1st. That certain other jewels taken by Your Highness were taken some seven or eight months before the assembling of the Commission in November and December 1873.

2nd. The chittie was returned after the taking of the said jewels; and

3rd. That the emerald necklace was taken by Your Highness about the Dewallee of 1872.

From these statements it would appear that the chittie must have been returned in the early portion of 1873, and subsequently therefore to the transference of the emerald necklace.

Your Highness in the statement has proposed that the complainants should prove their assertion of the chittie being invalid. But this the complainant declined to do, and threw the onus of proving the chittie to be valid on Your Highness.

Your Highness also proposed that both chittie and jewellery should be placed in deposit, and a general settlement be arrived at by inquiry. But this proposal also the complainants declined to accede.

Meantime the head of the Firm is a minor, and has to trust to his Moonim and others to plead his case.

On the whole, as I said above, I find myself unable to advise in this matter, which appears to me to be an inextricable mess.

All I can at present do is to suggest a settlement in respect to the enam and gardens, and under which the public abroo of the respectable and old State Firm of Hurree Bucktie shall be upheld as far as possible.

I find there are four enam villages which have been granted by successive Gaekwars to the Firm on various tenures.

Also that a cash allowance of Rupees 1,200 per annum has been granted by the late Gaekwar Khunderao to the present complainant.

I would advise that the village of Gariad, originally granted hereditarily, be confirmed hereditarily to the complainant and to his heirs, adopted or natural.

*2nd.* That the villages of Samra and Samri, which were granted hereditarily on condition of service,* be confirmed to complainant for life, and be granted for one generation on the decease of complainant, subject to a tax of one-quarter the net revenue during the natural life of the second holder.

* I understand that the services of the Firm have been dispensed with.

These two villages of Samra and Samri to be resumed on the demise of the second holder.

It appears that the village of Sumlak was originally granted by the late Svajee Rao Gaekwar, but *not* hereditarily, and that subsequently the late Gaekwar, Gunput Rao, commuted the village into a cash payment of Rupees 5,000 per annum.

I advise that this cash payment be continued to complainant for life, and that on complainant's decease the payment also cease. At the same time I admit that the payment was liable to discontinuance on the demise of the recipient to whom the allowance was originally granted; the arrangement now suggested is in the nature of a compromise.

I further advise that the garden at Baroda, which is the property of the complainant, and which was resumed or taken possession of by Your Highness, be returned to the complainant: or that another garden of equal value be given to him in exchange.

Further, that the sum of Rupees 75,000 lent to the present Gaekwar be refunded to him, the complainant, in three instalments of Rupees 25,000 at the close of Sumbut 1931, Rupees 25,000 at the close of 1932, Rupees 25,000 at the close of 1933.

Finally that the Rupees 1,200 per annum allowance be confirmed to complainant for life.

Such is my counsel in this large and complicated case. But this advice does not pretend to dispose of the question of the chittie for 20 lakhs, which chittie has not been produced, and concerning which the Firm offer no evidence. I am unable even to ascertain the terms of the chittie, or whether it be really the case that the chittie was the property of the late Peshwa or Peshwa State.

In conclusion I beg Your Highness to rest assured that on all occasions I shall be most happy to aid Your Highness by my experience and with my advice; and it will then be for Your Highness either to accept that advice, or to refrain from so doing. The responsibilities of the administration of the Baroda State rest on Your Highness, and I desire that all acts of authority may emanate from Your Highness.

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No. 244 P., dated Fort William, 25th January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

I AM directed by the Viceroy and Governor-General in Council to acknowledge receipt of your letter No. 7550,* dated 14th December 1874, forwarding a letter from Colonel Phayre, in which he asks for further information as to the reasons for his removal from the appointment of Resident at Baroda. * P. 90.

2. As it appears from your letter No. 7793, dated 22d December, that Colonel Phayre was put in possession of a copy of my letter No. 2563 P.,† dated 25th November, in which the grounds for his removal are clearly set forth, the Governor-General in Council does not consider it necessary to furnish any further explanation to Colonel Phayre. † P. 86.

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No. 562, dated Bombay Castle, 26th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to the letter from this Office, No. 7550,‡ dated 14th ultimo, and connected papers, I am directed to transmit herewith, for submission to the Government of India, copy of a further letter from Colonel Phayre, C.B., dated the 16th instant, on the subject of his removal from his appointment as Resident at Baroda. ‡ P. 90.

2. In forwarding this document I am desired to state that this Government has already expressed its opinion as to the severity with which Colonel Phayre was treated, and that it still hopes the Government of India will see the justice of granting him some compensation for the loss to which he has been subjected, after his persevering efforts to put a stop to the oppressive system of government existing at Baroda.

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Dated Bombay, 16th January 1875.

From Colonel R. PHAYRE, C.B., late Resident at Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

* P. 92. SIX weeks having elapsed since I submitted my letter No. 406-1352,* dated 1st December last, appealing to Government for justice and redress on account of the very severe loss and degradation sustained by me in consequence of my sudden removal from my appointment as Resident of Baroda, I have the honor respectfully to solicit a reply to the appeal therein made.

2. Events have in the interim so fully borne out and vindicated the propriety of my conduct as Her Majesty's representative at the Court of Baroda from the 18th March 1873 to the 5th ultimo, the date of my departure, that I venture to hope His Excellency the Viceroy may be pleased to accord early and favorable consideration to this matter.

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No. 293P., dated Fort William, 28th January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay, Political Department.

† P. 89. I AM directed by His Excellency the Viceroy and Governor-General in Council to acknowledge receipt of your letter No. 7549,† dated 14th December 1874, on the subject of the removal of Colonel Phayre from the appointment of Resident at Baroda, which would have been replied to sooner had not the course of affairs at Baroda subsequent to its receipt made it expedient in the opinion of the Governor-General in Council to postpone an answer.

2. His Excellency the Governor of Bombay in Council has expressed his opinion "that a change in the Residency at Baroda was expedient, if not "absolutely needful;" that the Bombay Government were fully alive to the incidents of Colonel Phayre's position; and that, notwithstanding that the Viceroy in a letter to the Gaekwar had expressed "full confidence" in Colonel Phayre, they would have removed him "if any other appointment of equal worth "had been at their disposal" to offer him. His Excellency the Governor in Council, it is further stated, would have taken this step "from the conviction "that the very qualities which made Colonel Phayre an effective instrument for "the exposure of the gross mismanagement of the Baroda State were ill adapted "to the more delicate task of proffering advice to the Prince whose malpractices "he had dragged to light."

3. But His Excellency the Governor in Council, while expressing these views, protests against the time and manner of Colonel Phayre's removal by the Government of India, on the grounds that as the announcement of it followed upon the receipt of a letter from the Gaekwar in which Colonel Phayre's removal was formally asked for, and upon an attempt to take his life by poison, it is likely to be connected in the minds of Native Chiefs with one or other of these incidents, and to be viewed as a proof of weakness; that it will have an injurious effect on the political service, and deter officers from exposing abuses in Native States; that as Colonel Phayre's personal character was well known in July last, when the orders of Government on the report of the Commission were issued, the change should have been made then; and that the orders are unjustly severe towards Colonel Phayre.

4. His Excellency the Governor-General in Council regrets that, in consequence of this protest, the necessity is imposed upon him of reverting to matters which

‡ P. 86. it was hoped were disposed of by my letter No. 2563P.,‡ dated 25th November last, and of pointing out that the time and manner of Colonel Phayre's removal were rendered necessary by the acts of that officer himself, the inadequate manner in which they were dealt with by the Bombay Government, and the omission of the Bombay Government to keep the Government of India informed of their proceedings and those of Colonel Phayre.

5. From the conduct of Colonel Phayre previous to the appointment of the Commission, the Governor-General in Council had entertained considerable doubts whether he possessed the discretion, conciliatory bearing, and appreciation of the questions he had to deal with, which were necessary for effectually meeting the difficulties before him. It was believed, however, that Colonel Phayre possessed the confidence of the Bombay Government; and the Governor-General in Council

considered that the report of the Commission and the clear and precise instructions of Government thereon made his course plain and unmistakeable and left no opening for the injudicious exercise of discretion and no room for misunderstanding on his part. Under these altered circumstances there appeared to the Governor-General in Council no sufficient reason for withdrawing his confidence from Colonel Phayre, especially at a time when such a course would certainly have been misunderstood by the Gaekwar, and have added considerably to the difficulties at Baroda. The Government of India having arrived at this decision, it was obviously necessary to inform the Gaekwar that Colonel Phayre possessed the full confidence of Government.

6. The Governor-General in Council learns now for the first time that the Bombay Government would have cordially assented to a change in the Residency at Baroda if it had been suggested in the orders passed by the Government of India on the report of the Commission. There was nothing whatever in your letter No. 1196, dated 5th March 1874, forwarding the report, to indicate that these sentiments were entertained by the Government of Bombay. This being the opinion of the Bombay Government at the time when my letter No. 1586P. of 25th July 1874 was received, it was their plain duty to have informed the Governor-General in Council that the confidence which he reposed in Colonel Phayre was in their judgment misplaced. The Governor-General in Council cannot admit that the reason assigned by the Bombay Government for not having suggested the removal of Colonel Phayre, viz., that there was no other appointment of equal worth at their disposal in which he could be employed, is a proper or sufficient one. The Governor-General in Council cannot consent to treat the interests of the public service as of secondary consideration compared with the private interests of the servants of Government; nor can he permit any officer to be retained in an appointment for which he is unfit, on the ground that he will suffer a pecuniary loss if removed.

7. Not only, however, was no recommendation made for Colonel Phayre's removal on receipt of the instructions of 25th July, but the Government of India were not informed of subsequent proceedings on his part which, if brought to notice, would have induced the Governor-General in Council to request the Bombay Government to replace him at once by another officer. The Governor-General in Council does not consider it necessary to enter into the particulars of those proceedings. It is sufficient to say that the Bombay Government found it necessary in your letter No. 26P.* of 24th August 1874 to call upon Colonel Phayre to explain his apparent disregard of their instructions, and that in your letter No. 30P.,† dated 7th September, you informed him that his explanation could not be accepted as satisfactory; that by direction of His Excellency the Governor of Bombay in Council you intimated to him in your letter No. 25P.,‡ dated 24th August 1874, that the Bombay Government regretted the strong terms in which he had objected to a proposal of the Gaekwar in one case, you described the closing part of his answer to the Gaekwar in another case as "most unreasonable," you expressed "the greatest surprise" at his proceedings in a third case, and you described them as "wholly ignoring" his instructions and calculated "to impede most seriously the cordial co-operation of the Minister and yourself "(Colonel Phayre) in carrying out the administrative reforms which it is the sole "object of Government to induce His Highness to effect," and you characterized his proceedings in the cases referred to as "a most serious misappreciation of the "actual position of affairs," and of the line of conduct he had been ordered by the Government of India and the Government of Bombay to pursue; and that in your letter No. 29P.,§ dated 7th September, Colonel Phayre's explanations were pronounced unsatisfactory, and the opinion was repeated that he was "ignoring "the express orders of the Government of India."

* P. 34.

† P. 42.

‡ P. 35.

§ P. 41.

8. But these and other circumstances were not reported to the Government of India. They were not alluded to in your letter No. 31P.,‖ dated 17th September, which purported to be a report of the proceedings of His Highness the Gaekwar consequent on the receipt of the Viceroy's letter of 25th July. Nor were they reported in your letter No. 6137, dated 22nd October, in reply to my letter of 6th October, in which Colonel Phayre's reports of his proceedings subsequent to the receipt of the orders of 25th July were called for. They were not submitted with your letter No. 6159,¶ dated 23rd October, which purported with reference to your letter of 17th September to forward a letter from the Resident with translations of communications made to and received from the Durbar consequent on the

‖ P. 72.

¶ P. 74.

decision of His Excellency the Viceroy in Council on the Baroda Commission Report. It was only on 19th November,* in answer to my telegram of 11th November in which copies of all correspondence were called for, that full information was furnished to His Excellency the Governor-General in Council. Your letter was received here on 23rd November, and the orders for Colonel Phayre's removal were issued on the 25th.

* P. 77.

9. The Governor-General in Council considers that the Bombay Government, who in July were of opinion that a change in the Residency at Baroda was expedient, ought in August, when they found it necessary to censure Colonel Phayre for disobedience of orders, to have at once recommended his removal. Had they done so, they would have received the cordial support of the Governor-General in Council. But whether they thought a change to be necessary or not, it was their manifest duty to have reported at once that Colonel Phayre's proceedings had not justified the confidence which the Government of India placed in him. The orders issued and the policy prescribed for Colonel Phayre's guidance were those of the Government of India, and the Governor-General in Council ought not to have been kept in ignorance of the fact that his orders had been disobeyed, his policy misunderstood, and his name improperly introduced in discussions between the Resident and the Gaekwar. Had the circumstances referred to been brought to notice at the time they ought to have been, Colonel Phayre would have been at once removed from office, before the case became complicated by the Gaekwar's request for his removal, and by the attempt to take his life by poison. Much as the Governor-General in Council regrets that this atrocious attempt was made, he cannot consider that the question of the propriety of Colonel Phayre's removal at the time it was ordered is affected by it. Information of the attempt to poison Colonel Phayre was first received here in your telegram of 13th November. But in fact (as His Excellency the Governor of Bombay must be aware from the Viceroy's telegram of 12th November), before information of it was received, the Governor-General in Council had already seen, even in the incomplete collection of papers which was at that time in his possession, sufficient to convince him that it would be necessary to send another officer to Baroda in place of Colonel Phayre. The papers subsequently received on 23rd November, in answer to the request conveyed in my telegram of the 11th of November, disclosed so serious a state of affairs that, in the opinion of the Governor-General in Council, Colonel Phayre's immediate removal from office was imperatively demanded in the public interests. He was accordingly removed by the orders of 25th November. The apparent coincidence of his removal with the events referred to was unfortunate. His Excellency in Council, however, has no fear that his action in regard to affairs at Baroda will be viewed by Native Chiefs as a proof of weakness; but under any circumstances he would not permit such a consideration to deter him from discharging his duty and taking measures which the interests of the public service in any case appear to him to demand.

10. With respect to the injurious effect which it is feared the removal of Colonel Phayre may have on the political service generally, His Excellency the Governor-General in Council does not entertain any apprehensions on that account. It is the earnest desire of the Governor-General in Council to give every support to his officers who are placed in positions of difficulty and to whom delicate and important duties are entrusted. Such support will be readily accorded them so long as their proceedings are guided by the instructions conveyed to them. But the removal of an officer who not only misunderstands the spirit of his instructions but violates their plain meaning and letter, who fails to see his errors when they are pointed out, and who is censured in such terms as those quoted in paragraph 7 of this letter, is calculated to have a salutary rather than an injurious effect; and His Excellency in Council wishes it to be understood that he will not hesitate to remove from an appointment any officer, whoever he may be, who ignores his instructions in the manner Colonel Phayre has done.

11. The Governor-General in Council regrets that the Bombay Government should have characterized the orders of the Government of India as unjustly severe towards Colonel Phayre. I am to remind you that before the papers called for in my telegram of 11th November were received an opportunity to resign was given to Colonel Phayre, of which he did not avail himself, and the Governor-General in Council can see no injustice in removing an officer from an appointment for which he is admitted by the local Government to be unfit, and who disregards the plain instructions of the Government of India.

12. The remarks already made sufficiently explain the grounds on which the Government of India described the notice taken of Colonel Phayre's proceedings by the Bombay Government as inadequate, regretted the delay on the part of the Bombay Government in submitting full information of their proceedings, and withdrew for a time from the Bombay Government the control of Baroda affairs connected with the report of the Commission. The Governor-General in Council will only say that after full consideration of paragraphs 11 to 14 of your letter he is unable to alter the opinions he has expressed.

13. In conclusion, I am to express the satisfaction of the Governor-General in Council at the issue of the instructions referred to in paragraphs 1 to 3 of your letter with a view to giving every assistance to Sir Lewis Pelly in the discharge of the difficult duties that have been entrusted to him.

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No. 394 P., dated Fort William, 5th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay, Political Department.

IN reply to your letter No. 562,* dated 26th ultimo, submitting a further letter from Colonel Phayre on the subject of his removal from his appointment as Resident at Baroda, I am directed to refer you to the letters from this Office, No. 244 P.,† dated 26th ultimo, and No. 293 P.,† dated 28th idem, and to state that His Excellency the Viceroy and Governor-General in Council declines to grant Colonel Phayre compensation for his removal.

* P. 98.

† Pp. 97, 98

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No. 1065 of 1875.

Political Department, Bombay Castle, 15th February 1875.

From C. GONNE, Esq., Secretary to the Government, Political Department, Bombay, to C. U. AITCHISON, Esq., Secretary to the Government of India, Foreign Department.

I AM directed by the Governor in Council to acknowledge the receipt of your letter No. 293P.,‡ dated 28th January 1875, replying to my letter No. 7549§ of the 14th December 1874, by which I conveyed to you the convictions of the Government of Bombay with regard to the removal of Colonel Phayre from the office of Resident at Baroda and the withdrawal from themselves for a time of the control of Baroda affairs.

‡ P. 98.

§ P. 88.

2. His Excellency the Governor in Council has no desire to prolong controversy respecting decisions which have been carried into effect by the Government of India, and which have been submitted to the judgment of Her Majesty's Secretary of State; but he feels himself constrained to vindicate briefly the action of this Government at certain junctures, when it has been made the subject of severe animadversion in your letter under acknowledgment.

3. From the fifth paragraph of your letter His Excellency in Council learns that "from the conduct of Colonel Phayre, previous to the appointment of the "Commission, the Governor-General in Council had entertained considerable "doubts whether Colonel Phayre possessed the discretion, conciliatory bearing, "and the appreciation of the questions he had to deal with, which were necessary "for effectually meeting the difficulties before him;" but that in the belief that Colonel Phayre possessed the confidence of the Bombay Government, and viewing the altered state of circumstances after the Report of the Commission, the Governor-General in Council saw no sufficient reason for withdrawing his confidence from Colonel Phayre, especially at a time when such a course would certainly have been misunderstood by the Gaekwar, and have added considerably to the difficulties at Baroda. And referring, in the sixth paragraph of your letter, to the statement made in my letter of the 14th December 1874, that this Government would at that time have transferred the charge of the Residency to other hands, if any other appointment of equal worth had been at their disposal for the employment of Colonel Phayre, you observe that it was the plain duty

of the Government of Bombay to have informed the Governor-General in Council that the confidence which he reposed in Colonel Phayre was in their judgment misplaced.

4. A dereliction from plain duty being thus imputed to the Government of Bombay, His Excellency in Council directs me to observe that in the integrity, the conscientious zeal and public spirit of Colonel Phayre this Government had throughout complete confidence, but that his transfer from the Residency to another appointment at that juncture of affairs would have been, in their opinion, opportune; because by the part which it had been his duty to take in connection with the Commission, he had been placed in special antagonism to the Gaekwar—a circumstance which must have been as obvious to the Government of India as it was to this Government; and because they doubted the possession by Colonel Phayre of the discretion and conciliatory bearing requisite to conduct with entire success the new relations between the Gaekwar and the Resident at his court, which were established by the decisions of the Governor-General in Council upon the Report of the Commission. Similar doubts, as it appears from your letter under acknowledgment, had been entertained by the Governor-General in Council, who after the close of the Commission had been in communication with its President at Calcutta; and the Governor in Council is not aware that during the five months for which the Report of the Commission was in the hands of the Government of India, any question was ever put to this Government, or that any communication was ever made, or other action taken, by them, to which may be justly ascribed either the removal of those doubts from the mind of the Governor-General in Council, or the existence of his belief that Colonel Phayre possessed the confidence of the Bombay Government, except in the partial sense above indicated.

5. His Excellency the Governor-General in Council refuses to admit that the reason assigned by the Bombay Government for not having suggested the removal of Colonel Phayre, viz., that there was no other appointment of equal worth at their disposal in which he could be employed, is a proper and sufficient one. His Excellency in Council cannot, it is said, consent to treat the interests of the public service as of secondary consideration compared with the private interests of the servants of Government; nor can he permit any officer to be retained in an appointment for which he is unfit, on the ground that he will suffer pecuniary loss. With reference to the enunciation of these principles, His Excellency the Governor in Council most readily concedes that the interests of the public service should be paramount to all other considerations; but I am respectfully to submit that fitness and unfitness are relative terms, and that summary dismissals, obviously involving serious detriment to fortune and reputation, of officers who have rendered long and valuable services, and whose integrity is unassailable, whenever they prove themselves to be deficient in some qualities which would be desirable for the perfect discharge of their duties, or when fitter men might perhaps be found to replace them, would, in the judgment of His Excellency in Council, be fraught with grave discouragement to the servants of Government, and consequent evil to the interests of the public service. His Excellency indeed believes that under the British Government the summary dismissal of public servants has ever been regarded with great jealousy.

6. After citing expressions of severe censure addressed by the Governor in Council to Colonel Phayre, and dwelling upon the omission of this Government to supply the Government of India with full information respecting his proceedings, you state that, in the opinion of the Governor-General in Council, the Bombay Government, who in July were of opinion that a change in the Residency at Baroda was expedient, ought in August, when they found it necessary to censure Colonel Phayre for disobedience of orders, to have at once recommended his removal; and that whether they thought a change to be necessary or not, it was their manifest duty to have reported at once that Colonel Phayre's proceedings had not justified the confidence which the Government of India placed in him. The Governor in Council is, therefore, concerned to learn from these observations that the reasons stated in the eleventh paragraph of my letter of the 14th December, as those which determined him to censure rather than remove or recommend the removal of Colonel Phayre for departure from his instructions on certain points, have failed to satisfy the Governor-General that the proper course was then adopted by this Government. To the considerations previously put forward, His Excellency in Council would only now add, with a view to show the

sufficiency of the measures taken by this Government, that the subsequent conduct of Colonel Phayre was not, so far as His Excellency is aware, open to exception, as contravening in any degree the spirit or the letter of his instructions. And seeing how much importance is attached by the Governor-General in Council to the failure on the part of this Government to supply him at once with full copies of the communications which then passed between this Government and Colonel Phayre, His Excellency in Council does not hesitate to express his regret that the omission occurred.

7. His Excellency the Governor-General in Council does not share the apprehensions of this Government as to the injurious effects which may be produced both on Native Chiefs and on public servants employed in political affairs by the time and manner of Colonel Phayre's removal; and while the Governor in Council adheres to the views expressed in my letter of the 14th December, he does not permit himself to hope that further discussion on the points would reconcile the differences of opinion which now unhappily exist between the Government of India and this Government.

I am to add that copies of your letter under acknowledgment and of this letter will be sent to Her Majesty's Secretary of State in continuation of the correspondence previously transmitted to him.

I have the honour to be, &c.

(Signed) C. GONNE,
Secretary to Government.

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# III.—Correspondence with the Secretary of State.

No. 213 of 1874.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 27th November, 1874.

WE have the honour to forward, for the information of Her Majesty's Government, papers relating to the affairs of Baroda.

2. The information which has now been furnished to us by the Bombay Government has convinced us that it is impossible to expect any satisfactory result, so long as Colonel Phayre remains Resident at Baroda. We believe Colonel Phayre to be an honourable and sincere man; but throughout his whole conduct at Baroda he has in several instances disregarded the directions given to him by the Government of Bombay, and appears to have altogether misapprehended the spirit of the instructions issued by the Government of India.

3. We have accordingly appointed Sir Lewis Pelly, who, on consulting his medical adviser in Calcutta, found that it was unnecessary for him to take the furlough which had been granted him, and who volunteered his services for the duty, to act as Agent to the Governor-General and Special Commissioner at Baroda, as a temporary measure.

4. If the Government of Bombay had kept us promptly informed of the progress of affairs at Baroda, we should have taken steps to replace Colonel Phayre by another officer some time ago. We much regret the delay that has thus occurred; for before action could be taken, the Gaekwar has addressed the Viceroy a khureeta in which His Highness has in temperate language begged for the removal of Colonel Phayre. Moreover, to add another complication to a condition of things already far from satisfactory, we have received intelligence of an attempt to take Colonel Phayre's life by poison.

5. We do not consider that either of these two circumstances affects the question of the propriety of allowing Colonel Phayre to remain at Baroda. We are constrained to admit (apart from certain objections raised by Colonel Phayre to the accuracy of the Gaekwar's statement of two particular instances of interference) the general correctness of His Highness' complaints of Colonel Phayre's proceedings; and whatever the result of the investigation into the attempt to poison Colonel Phayre may be, it cannot affect his qualifications for the office of Resident. If the investigation is incomplete, there will, indeed, be some advantage in its being brought to a conclusion under the directions of another officer.

6. We have thought it necessary to call the serious attention of the Bombay Government to their omission to keep us fully informed as to the conduct of Colonel Phayre in carrying our orders into effect.

7. Your Lordship will observe that, whereas the most serious instances of want of discretion and of inability to appreciate the meaning of the instructions which Colonel Phayre had received took place previous to the 17th of September, the letter addressed to us by the Bombay Government on that* date did not fully place us in possession of the real position of affairs. Moreover the subsequent letters from the Bombay Government of the 22nd and 23rd† of October did not communicate to us many essential particulars of those important transactions, and it was only after calling for papers which were not then forwarded, that the nature of Colonel Phayre's proceedings was made known to us from a perusal of the enclosures to the letter from the Government of Bombay of the 19th instant.

* P. 72.

† P. 74.

‡ P. 77.

8. This omission of what we consider to have been the duty of the Government of Bombay in dealing with a matter of great importance as to which orders had been given by us, coupled with their omission at once to recommend the substitution of another officer for Colonel Phayre, and some other minor proceedings, to which it is not necessary to refer in detail, have satisfied us that it is essential, in order to carry out effectually the policy which we have laid down in regard to the Gaekwar, and for which we are responsible, to give orders, as Your Lordship will

perceive, regarding the future conduct of the correspondence relating to measures arising out of the Report of the Baroda Commission.

9. We regret the necessity which exists, as it appears to us, for taking this course, and we trust that our action will meet with the approval of Her Majesty's Government.

We have the honour to be, &c.

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No. 73 of 1874.

To Her Majesty's Principal Secretary of State for India in Council, London, Political Department.

My Lord Marquis,

We have the honour to forward herewith to Your Lordship copy of papers from which it will be observed that the Government of India have removed Colonel Phayre from the office of Resident at Baroda, and have taken into their own hands, as a temporary measure, the management of Political relations with that State. We beg earnestly to invite Your Lordship's attention to the letter* we have addressed to the Government of India, in which we have endeavoured to set before them the objections we entertain to the decisions that have been communicated to us.

* P. 88.

2. We beg at the same time to forward copy of a letter from Colonel Phayre, C.B., No. 406,† dated 1st instant, and of our further letter to the Government of India, No. 7550, dated 14th idem.

† Pp. 90., 91.

We have the honour to be, &c.

P. E. Wodehouse.

Bombay Castle, 14th December 1874. J. Gibbs.

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No. 17 of 1875.

Government of India, Foreign Department, Political.

My Lord Marquis, Fort William, the 22nd January 1875.

We have the honour to forward, for the information of Her Majesty's Government, a further collection of papers relating to the affairs of the State of Baroda.

2. Most of these papers refer to matters which occurred before our temporary assumption of the administration of the Baroda State on 25th December last, and are now forwarded to complete the records.

We have the honour to be, &c.

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No. 25 of 1875.

Government of India, Foreign Department, Political.

My Lord Marquis, Fort William, the 29th January 1875.

With reference to the despatch from the Bombay Government, No. 73, dated 14th ultimo, to your address, we have the honour to enclose, for the information of Her Majesty's Government, a copy of a letter No. 293P.,‡ of the 28th instant, to the Government of Bombay, being a reply to their letter No. 7549,§ dated 14th December 1874, on the subject of the removal of Colonel Phayre from the appointment of Resident at Baroda.

‡ P. 98.

§ P. 88.

We have the honour to be, &c.

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Political Department.

No. 15 of 1875.

To Her Majesty's Principal Secretary of State for India in Council, London.

With reference to our Despatch No. 73 of the 14th December last, we beg to submit for Your Lordship's consideration copies of further communications‖ which have passed between the Government of India and this Government respecting the control of Baroda affairs and the removal of Colonel Phayre.

‖ P. 101.

* P. 98. 2. We might have replied at much greater length to their letter No. 293P.* of the 28th January, in which our conduct is severely censured; but we trust Your Lordship will approve of our having confined ourselves to a very few, but necessary observations, chiefly, it may be said, in explanation. At the same time, we do not wish to conceal from Your Lordship the sense we entertain of the disregard or the character and position of this Government, which has marked the proceedings by which the Government of India have transferred to themselves the entire control of the affairs of Baroda.

3. As we have already stated, the enquiry into the conduct of the Gaekwar originated with us. When the Report of the Commission was received, we forwarded it to the Government of India with our full support. We waited for five months for their decision, with which we were quite satisfied. We were most desirous that the measures ordered by them should succeed. We did not combat those measures in any particular, but steadily promoted their execution; and then, nearly three months after the occurrence of the error, so-called, on our part, and after its bad effects, if they ever existed, (for they have never been stated), had passed away, then it was that the control of Baroda affairs was summarily, and in terms of strong censure, withdrawn from us.

4. In conclusion, we beg Your Lordship to believe that we should not have submitted this remonstrance, if the charge had been founded on the temporary gravity of the state of affairs, and not supported principally by the imputation to us of failures in our duty, of which we were wholly undeserving.

We have the honour to be, &c.

Bombay Castle, 15th February 1875.

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Political, No. 44.

To His Excellency the Right Honourable the GOVERNOR-GENERAL of INDIA in Council.

MY LORD, India Office, London, 15th April 1875.

† P. 104. PARA. 1. I have received and considered in Council the letter of your Excellency's Government in this Department, No. 213, dated the 27th November† last, reporting the removal of Colonel Phayre from the office of Resident at Baroda, the appointment of Sir Lewis Pelly as Agent to the Governor-General and Special Commissioner at that place, and the arrangements which you had deemed advisable to make for the future conduct of the correspondence relating to measures arising out of the Report of the Baroda Commission. I have also ‡ P. 105. had before me a Letter from the Government of Bombay, No. 73,‡ dated the 14th December last, inviting my attention to § P. 88. * No. 7549 of 1874.§ that* addressed by His Excellency the Governor in Council to your Government, setting forth various objections to your decisions on the several matters in question, and I have recently received your ‖ P. 105. further Letter, No. 25,‖ of the 29th January last, forwarding, for the information of Her Majesty's Government, copy of the reply made by you to that communication, and a letter from the Government of Bombay, dated the 15th of February, commenting on your reply.

2. After careful examination of the circumstances detailed in this correspondence, and weighing, with the attention due to their importance, the arguments submitted in it for my consideration, I have to convey to you my approval of your proceedings.

3. While regretting that your Excellency's Government should have found it necessary to remove from the responsible post of Resident at Baroda an officer of undoubted integrity and long service, who had been placed in a position of considerable difficulty, I have no doubt that in doing so you exercised a wise discretion. His character was little fitted for the delicate duties with which he had been recently charged, and his departure from the orders he had received was too serious to be overlooked.

4. It is to be regretted that his removal did not take place as soon as his indisposition or inability to shape his conduct according to his instructions was first made manifest. A fair trial would then have been given to the indulgent policy which Her Majesty's Government was anxious to pursue towards the Gaekwar of Baroda. A different opinion, however, was formed by the Govern-

ment of Bombay, under whose immediate orders Colonel Phayre was serving. They were fully alive to his shortcomings, and censured them in the severe language recapitulated in para. 7 of your Excellency's Despatch. But they abstained from removing him, on grounds connected as much with the interests of the officer himself as with his efficiency for the duties he had to discharge. P. 99.

5. In addressing your Excellency's Government, on the 14th December last, the Government of Bombay said,—

"Para. 5. So fully alive were the Government of Bombay to the incidents of his position that, even after receiving the instructions of His Excellency the Viceroy, and learning that Colonel Phayre possessed his 'full confidence,' they would have transferred the charge of the Residency to other hands, if any other appointment of equal worth had been at their disposal for the employment of Colonel Phayre."

"Para. 6. His Excellency in Council would have taken this step from the conviction that the very qualities which made Colonel Phayre an effective instrument for the exposure of the gross mismanagement of the Baroda State were ill adapted to the more delicate task of proffering advice to the Prince whose malpractices he had dragged to light."

"Para. 10. The peculiarities of Colonel Phayre's personal character, and of the position in which he stood to the Gaekwar, have been manifest throughout, and must have been as patent to the Government of India when they issued orders on the Commission's Report in July as they are now; and had they at that time suggested and facilitated his transfer to another appointment of equal value, or otherwise compensated him, this Government would most cordially have assented, for the reasons mentioned in the 5th and 6th paragraphs, and the change would have recommended itself to Colonel Phayre as well as to the public. But the order now issued is, in the opinion of this Government, unjustly severe on an officer whose conscientious and praiseworthy efforts had brought about the beneficial intervention of the British Government for the protection of the people of Baroda."

6. I shall refer again to the grounds of action here put forward, in their general bearing upon the public service. To the decision, however, at which the Government of Bombay arrived, that it was expedient to censure Colonel Phayre, but not to remove him, no blame could have been attached if they had at once notified it, together with the circumstances out of which it arose, to Your Excellency's Government. They did not do so. The correspondence was not at once forwarded to you. It was only accidentally called for, and the proceedings which it recorded were for the first time brought to your knowledge nearly three months after they had occurred.

7. Her Majesty's Government are of opinion that in withholding from you this information the Government of Bombay acted under a misconception of their duty. In a matter which was obviously of the utmost gravity, and which the Governor General had stamped with that character by his formal interposition, the Government of Bombay were bound to act as the simple agent of the Government of India.

8. In the 13th paragraph of their letter of the 14th of December, the Government of Bombay give the only explanation they have offered for omitting to report the correspondence:—

"The appointment of Resident at Baroda belongs by law to this Government. The retention of it by Colonel Phayre was a matter for them to decide, on which the Government of India had maintained silence. This Government felt strongly both the impolicy as regards the Gaekwar, and the injustice as regarded Colonel Phayre, of summarily removing him from his office without compensation. And having permitted him to return to Baroda, it did not occur to them that it was necessary to report immediately to the Government of India the very stringent instructions he had received, and which, it was hoped, he could no longer misapprehend."

9. These words seem to imply that a zeal for the prerogatives of the Presidency of Bombay had a material share in determining the action of that Government. I have to express the regret of Her Majesty's Government that, in a matter so grave, the Governor and Council of Bombay should have allowed their minds to be swayed by motives of a secondary character.

10. It is the duty of Her Majesty's Government to uphold the minor Presidencies in the position assigned to them by law. Their Governments are

entitled to remonstrate against any supposed infraction of their rights, though it is a privilege of which those Governments will, if they have the interests of the public service at heart, make use with due reserve. But the feelings which actuate their remonstrances must not influence their administrative proceedings. Zeal for local rights will not excuse them in any act or any omission unbefitting a subordinate acting under the command of a superior. They cannot be permitted, in the process of their self-defence, to hamper the working of State policy. When the Governor-General has decided that a matter is sufficiently serious to demand his interposition, the duty of the inferior Governments is not only to obey his formal orders, but to second his policy as cordially as if it were their own.

11. Your Excellency has adverted to the reasons put forward by the Government of Bombay in their letter of the 14th of December for objecting to the removal of Colonel Phayre. You notice, in terms of just reprobation, the doctrine that a Resident, after his disqualification for his post had been recognized, was to remain entrusted with duties of great importance and singular delicacy, because "no other appointment of equal value was at the disposal of the Government." You could have spoken in no other manner of the language that was then before you. Later explanations given by the Government of Bombay in their letter of the 15th of February* indicate that the earlier letter did not adequately represent their real opinion. Individual interests are probably as highly considered in the Indian service as in any service in the world. But no Government can allow such interests to delay, even for a brief period, the removal of an officer charged with momentous duties and proved to be unequal to their performance. I conclude, from the language and action of the Government of Bombay, that they did not discern, in its true light, the gravity of the circumstances with which they had to deal.

* Pp. 101, 105.

12. I desire that a copy of this Despatch may be communicated to the Government of Bombay.

I have the honour to be, &c.

SALISBURY.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

EAST INDIA (BARODA, No. 5.)

# CORRESPONDENCE

CONNECTED WITH

# THE DEPOSITION OF MULHAR RAO.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1875.

[C.—1252.] *Price 7d.*

# CORRESPONDENCE.

No. 80 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,

POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS, Simla, the 15th April 1875.

WITH reference to previous correspondence, we have now the honor to forward, for the information of Her Majesty's Government, papers among which will be found a copy of the reports of the Commissioners who were appointed to enquire into the truth of certain imputations made against His Highness Mulhar Rao Gaekwar.

2. Mulhar Rao Gaekwar succeeded his brother, Khundee Rao, in 1870. His antecedents were not favorable. He had been accused of being concerned in a conspiracy to murder his brother by poison or other means in 1863, and had in consequence been kept in confinement as a State prisoner during his brother's lifetime. He was then described in the Residency records as being "intellectually "feeble and apparently irresponsible for his actions." On Khundee Rao's death, Mulhar Rao was believed to be the only legitimate lineal descendant of Peelajee Gaekwar, the founder of the dynasty, and as such he succeeded to the government of the State.

3. Much correspondence has taken place since the year 1872 between the Government of Bombay and the Government of India, with reference both to general misgovernment of the Baroda State, and to particular cases. Among those cases there was the death, in prison, of Bhow Sindia, the Minister of the late Gaekwar, who was supposed to have been poisoned. In opposition to the advice of the Assistant Resident, Bhow Sindia's body was hastily burnt immediately after his death, and investigation into the truth of the report was thus rendered impossible. There was also a case in which a person died in consequence of flogging administered to him in the streets of Baroda. Complaints were also made by the youngest widow of the late Gaekwar that she was in personal danger owing to ill-treatment by Mulhar Rao, and, on enquiry, her statements seemed to the Government of India to be sufficiently substantiated by the Residency Surgeon to render it necessary to address Mulhar Rao in very strong terms, placing upon him, personally, the responsibility for her safety.

4. On the 18th March 1873, Colonel Phayre was appointed British Resident at Baroda. Very soon after his appointment, he brought to notice the serious mal-administration of the State by the Gackwar.

5. The general complaints of misgovernment were represented by the Government of Bombay to the Government of India with a strong opinion that measures of decided interference were necessary. Accordingly, in the winter of 1873, a Commission was appointed for the purpose of investigating and reporting upon the general condition of the State. Sir Richard Meade, whose character for calmness of judgment is well known, who has a thorough knowledge of the general condition of Native States, and who throughout his career has shown that he is ready to make every allowance in their favor, and that he has no wish to enforce a standard which it would be unreasonable to expect in their administration, was appointed to be President of the Commission. Nawab Faiz Ali Khan, who had been Prime Minister of the State of Jeypoor, and in whose character and ability great confidence was placed by the Maharaja of Jeypoor, as well as by the British Government, was appointed to be a member of the Commission. The other two Members—Mr. Ravenscroft and Colonel Etheridge —were nominated by the Bombay Government, and are men of high standing and character.

6. The report of the Commission substantiated, to a very considerable extent, the charges made by Colonel Phayre against the Gaekwar; although the

manner in which they had been brought forward and pressed by Colonel Phayre showed, in some cases, more zeal than discretion. The report of the Commission showed a condition of things which was highly discreditable to the Gaekwar, and which contained the elements of serious disturbance. Any such disturbance might, owing to the manner in which the territories of the British Government and the Gaekwar are interlaced, have been greatly prejudicial to the interests of British subjects and to the peace and order of Her Majesty's dominions. The details are amply given in the report of the Commission and in its appendices. The Commissioners expressed their opinion that in the summary and extensive reduction of Silladars and Sirdars, in the treatment of certain bankers, in the seizure of women to render forced service in the Palace, in the treatment of the late Gaekwar's relatives, favorites and dependants, and in the arbitary resumption of certain inams and hereditary emoluments, the proceedings of Mulhar Rao had been "highly arbitrary and in some instances very unjust, and "of a character calculated to bring grave discredit on His Highness' adminis-"tration, and to excite distrust and alarm amongst a large portion of the "influential and respectable classes of the community." The Commissioners further reported that the grievances of the agricultural classes required careful examination and consideration; that the existing practice of levying nuzzerana on appointment was wholly inconsistent with good government, and should be entirely relinquished and interdicted; that the practice of ill-treating accused persons or prisoners to extract confession obtained to some extent and demanded the most watchful efforts for its absolute suppression; that the Judicial Department and Administration required entire reform, in order to remove the existing uncertain and irregular application of the law and want of confidence in the proceedings of the Courts and Magistrates, and that the state of affairs, when viewed altogether, constituted general mal-administration of a character urgently calling for reformation, which could not be effected without some interference on the part of the British Government.

7. There is no doubt as to the right which the British Government possesses both under treaty and by constant usage to interpose in the internal affairs of the Baroda State. The provisions of the Treaty of 1802 are clear, and the letter from Mr. Mountstuart Elphinstone, then Governor of Bombay, to the ruling Gaekwar in 1820, lays down in the plainest possible terms the rights of the British Government.

8. Accordingly authoritative advice was given by the Government of India to the Gaekwar for the remedy of the principal evils disclosed by the report of the Commission; and, while it was left to him to select his Minister, he was required to dismiss those of his former Ministers who were most deeply concerned in the malpractices pointed out by the Commission. A period of eighteen months was allowed to the Gaekwar for effecting the necessary reforms, and every assistance was offered him for that purpose. The Government of India considered whether it would be desirable to replace Colonel Phayre by another Officer when making these communications to the Gaekwar. Although we were not satisfied with the judgment shown by Colonel Phayre in some of his proceedings, his representations of the misgovernment of the Baroda State had proved to be correct in the main, and we thought that it would weaken the position we had taken with the Gaekwar to show any want of confidence in Colonel Phayre, while we trusted that the precise instructions given to him would be sufficient to prevent him from acting injudiciously in future.

9. The expectations which we entertained were not realised. In his communications with the Gaekwar and with Mr. Dadabhoy Nowrojee, the Minister whom the Gaekwar had selected, Colonel Phayre was wanting in consideration. In some respects also he misunderstood and indeed acted contrary to his instructions. His proceedings were unfortunately not reported by the Government of Bombay to the Government of India until some time after they had taken place, or a change would have been made sooner than it actually occurred. Just at the time when we received full information of Colonel Phayre's proceedings, we also received the representation from the Gaekwar of November 2nd, 1874, asking for his removal. An option was given to him to retire, of which he declined to avail himself, and he was therefore removed and replaced by Sir Lewis Pelly.

10. While these arrangements were in progress, information was received of the attempt to poison Colonel Phayre. We did not consider that this attempt ought to alter the conclusion at which we had previously arrived.

11. Sir Lewis Pelly found affairs at Baroda in a very critical condition. Although assurances had been given from time to time by the Gaekwar that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The condition of the cultivating classes was represented as desperate, owing to the over-assessment of the land revenue, while the differences between the Sirdars and the Gaekwar threatened a serious disturbance of the peace. The Gaekwar gave assurances to Sir Lewis Pelly that remedies would be applied to this condition of affairs, and the Government of India entertained some hope that, although no confidence could be placed in the personal character of Mulhar Rao, yet he might be induced to allow the administration of the State to be effectually reformed.

12. Colonel Phayre had instituted an enquiry and examined the servants at the Residency immediately after the attempt to poison him. No evidence of any value was procured, and the enquiry was for the time closed; but Colonel Phayre entertained and expressed a confident opinion that the attempt was instigated by the Gaekwar. It was impossible, without any evidence, to accept Colonel Phayre's conclusions, but Sir Lewis Pelly was instructed to take measures to investigate the case, and for that purpose he obtained the assistance of Mr. Souter and the police officers of Bombay. For some time they could obtain no evidence of importance; but in the middle of December they discovered a clue which resulted in evidence to the effect that the Gaekwar had been in the habit of holding secret communications with the Residency servants, and two of those servants—Raoji and Narsu—confessed that they had committed the offence, and alleged that they had done so at the personal instigation of the Gaekwar. Raoji made this confession on receiving the promise of a pardon; but Narsu was distinctly told by Sir Lewis Pelly that he must not expect a pardon. Sir Lewis Pelly was instructed to communicate the evidence to the Advocate-General of Bombay, who advised that, if it stood the test of cross-examination, it would be sufficient to convict the Gaekwar of the offence in a Court of Law. Mr. Souter was immediately despatched to Calcutta with the evidence and the opinion of the Advocate-General. When the papers were received in Calcutta, they were referred for the opinion of the Acting Advocate-General and the Standing Counsel to Government at Calcutta, who advised that the evidence was sufficient to commit the Gaekwar for trial, but stated their doubts with regard to the position and credibility of the witnesses, and indicated the possibility of there being a conspiracy against the Gaekwar.

13. The case was then considered with great care and attention by us. We examined Mr. Souter most carefully with respect to the nature of the police investigation and were assured by him that the greatest precautions had been taken to prevent evidence being concocted by the subordinate police officials. We discussed the probability of there being a conspiracy against the Gaekwar, and we could find no reasonable ground for such a supposition. We considered, therefore, that there was strong *primâ facie* reason to suppose that the attempt had been instigated by the Gaekwar.

14. The question then arose, how we were to deal with this condition of things. It was impossible to pass over an attempt on the life of a British Resident at the Court of a Native Prince. The sanctity attached to the lives of Ambassadors extends in our opinion, if possible, in a greater degree to British Residents at the Courts of Native States, and no offence could be greater than an attempt upon the life of a British Resident instigated by the Ruler of a Native State. At the same time, the evidence as it then stood was far from being sufficient to enable us to condemn the Gaekwar. He had had no opportunity of making his defence, and the witnesses had not been subjected to cross-examination. Some enquiry, therefore, was essential. Having regard to the antecedents of the Gaekwar, and to the strong *primâ facie* case against him, it appeared to us that there was no probability of a fair enquiry being made so long as he remained in the position of Ruler of Baroda. Moveover, with such a strong *primâ facie* case against him, it would have been highly improper for us to have continued friendly communications with him pending the investigation. We therefore determined to arrest the Gaekwar, and to assume on behalf of the Queen, the administration of the State of Baroda pending the result of the enquiry. This action on our part was not based on considerations of law. It was an act of State, carried out by the

Paramount Power. Troops were sent to Baroda, and the arrest of the Gaekwar and the assumption of the administration of the State were effected with promptness and success by Sir Lewis Pelly.

15. We may here notice incidentally that almost at the same time as the evidence against the Gaekwar was received, but before the Government had determined upon the course which should be taken, Mr. Dadabhoy Nowrojee resigned office, and the State of Baroda was left without a Minister. It therefore rested with Sir Lewis Pelly to conduct the whole administration of affairs, and, in doing so, it was necessary for him, in consequence of the critical position of the country to which we have before alluded, to carry out certain reforms, more especially with respect to the collection of the land revenue and to the grievances of the Sirdars. These reforms had been promised by the Gaekwar previous to his arrest, and Sir Lewis Pelly carefully conformed to the instructions which were given to him by us that during his temporary tenure of authority he should be careful to introduce no important changes other than those which we had already ordered to be carried out consequent on the report of the Commission of 1873, and which had been accepted by the Gaekwar.

16. Having arrested the Gaekwar we had then to determine what form the enquiry should take. Notwithstanding the objections to which a public enquiry was open, in our opinion a public enquiry was more advisable than one conducted in private, which would have given occasion for suspicion and mistrust. The composition of the Commission was next considered. Our desire was that it should be thoroughly independent, and we, therefore, secured the services of Sir Richard Couch, the Chief Justice of Bengal, and the highest judicial authority in India, as President. We joined with him Sir Richard. Meade, whose character we have already described, and being unable to obtain the services of Mr. Justice West of Bombay, whom we desired to appoint, we selected Mr. Philip Melvill, an officer who had been Judicial Commissioner of the Central Provinces, and acted as a Judge of the Chief Court at Lahore, who had no connection whatever with Baroda affairs and whose character for independence and ability is well known. We considered also that it was desirable, if possible, to obtain the assistance of Natives of high rank and position on the Commission. Sir Dinkur Rao was summoned to Calcutta, and consented to serve. The Viceroy wrote to request Maharaja Sindia, Maharaja Holkar, and the Maharaja of Jeypoor to join the Commission. Maharaja Holkar, while expressing his complete concurrence in the course taken by the Government, excused himself from serving, but the other two Princes consented to serve.

17. In making public the action taken by the Government in suspending the Gaekwar, we announced that it was our intention, whatever the results of the enquiry might be, to re-establish a Native Administration at Baroda. We were aware that some distrust prevailed of the motives of the British Government in dealing with the case, and that, notwithstanding the solemn announcements that had been made from time to time that there was no desire to extend the British possessions in India, all our proceedings with respect to Native States were watched with a jealousy which indicated that those declarations were hardly yet accepted as expressing the real intentions of the British Government. It was therefore our view that, while it was essential to deal strongly with the attempt to poison the British Resident, it was equally essential to announce that, in doing so, we had no intention of annexing the territory of Baroda.

18. It will be obvious that there were several alternatives to the course which we determined to adopt in each of the particulars which we have recounted. Those alternatives were considered by us. None of them appeared to us to be preferable. The matter was surrounded by the gravest difficulties, and action had to be sharp and decisive. It is to be noticed that the suspension of the Ruler of one of the principal Native States in India, the assumption for a time of the administration of his dominions, and the enquiry into his conduct by means of a Commission appointed by the British Government, involved the exercise of an authority by the Paramount Power in India of the widest possible nature. It cannot but be regarded with satisfaction that the Maharajas of Gwalior and Jeypoor by serving on the Commission identified themselves with the policy of Government, and that the course which was taken received the concurrence of Maharaja Holkar.

19. The action of the Government having been taken not upon legal but political grounds, the Commission was not constituted as a judicial tribunal. Its function was to report to the Government of India, with whom the decision was ultimately to rest. The imputations against the Gaekwar, into the truth of which the Commission was to enquire, are noted in the margin.

I.—That the said Mulhar Rao Gaekwar did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency;
II.—That the said Mulhar Rao Gaekwar gave bribes to some of those servants, or caused such bribes to be given;
III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets, and to cause injury to Colonel Phayre, or to remove him by means of poison;
IV.—That in fact an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao Gaekwar.

20. It was indispensable, in order to investigate the graver imputation of instigating the attempt to poison, that the Commission should be instructed to enquire into the alleged practice of the Gaekwar of holding secret communications with the Residency servants, and of giving them money for the purpose of obtaining information as to the business conducted at the Residency. We had the best reason to believe that attempts of the kind had habitually been made by the Gaekwar, and it was necessary, for the purpose of clearing the way to the examination of his connection with the poisoning, that the truth of his secret communications with the Residency servants, who were supposed to be agents in the crime, should be established. If the evidence with respect to those communications had broken down, it would have been a strong argument in favor of the innocence of the Gaekwar. If, on the other hand, the secret interviews were established, the antecedent improbability that the Gaekwar should have been in personal communication with persons of that class would be removed.

21. The Commission commenced their proceedings on 23rd February and closed them on 31st March 1875. Sir R. Couch (the President), Sir R. Meade, and Mr. Melvill find Mulhar Rao guilty on all the imputations. Maharaja Sindia and Sir Dinkur Rao find the graver imputation not proved, while the Maharaja of Jeypoor considers the Gaekwar not guilty, and all three treat the minor imputations as matters of no importance and in accordance with the practice at other Native Courts.

22. We have carefully considered the reports and opinions of the Commissioners and the evidence on which they are based, and can come to no other conclusion than that all the imputations against Mulhar Rao Gaekwar are true. There is no other rational explanation of the established facts, and we are unable in any way to reconcile those facts with the hypothesis of Mulhar Rao's innocence. We have carefully considered whether the case could possibly be a plot on the part of the police, whether Raoji and Narsu could have attempted the crime from motives of their own or at the instigation of Bhow Poonikur or Damodhur Punt, or the Gaekwar's enemies, without his knowledge. But not only is there no evidence to support any of these suppositions, but the adoption of any of them involves a series of such violent improbabilities that we are compelled to reject them as altogether unreasonable. The grounds upon which our conclusion is based, and the reasons which preclude us from accepting the view of those of the Commissioners who consider the Gaekwar's guilt not to be proved, will be fully set forth in a Resolution which we have directed to be prepared.

23. Even, however, if we could honestly concur in the opinion of those Commissioners, there would still remain the most grave suspicion attached to Mulhar Rao, which, coupled with his previous character and the circumstances already described in paragraphs 2 to 8 of this despatch, would make it impossible to replace him in power. To restore him under any conditions would, in our opinion, be a miscarriage of justice and a fatal political error. It would seriously weaken the authority of the British Government in India, and the position of British Residents at Native Courts, and we are bound to express our deliberate opinion in the strongest terms against any such course.

24. As regards the penalties with which Mulhar Rao should be personally visited, we consider that on a review of all the circumstances of the case, and in deference to the opinions and feelings of the Native Commissioners, we should do no more than depose him and his issue and place him under restraint in British territory on a suitable allowance to be provided from the Baroda revenues.

25. Although so atrocious an offence as the attempt on the part of the ruler of a Native State to murder the British Resident would justify the revision and readjustment of the relations subsisting between the British Government and that State, we are decidedly of opinion that, in consequence of the divided report and for other weighty reasons, it would be inexpedient to make any alteration in the relations between the British Government and the State of Baroda in consequence of recent events.

26. If Her Majesty's Government approve of these measures which we have recommended by telegraph, and Mulhar Rao is deposed, it will become necessary to make arrangements for the future government of the Baroda State. There is no lineal heir to the State. We propose therefore to select the fittest member of the Gaekwar House and to put him in power, only requiring him to carry out those reforms which we directed to be undertaken consequent on the report of the Commission of 1873. With the consent of Maharaja Holkar, Sir Madava Rao, at present His Highness' Minister, will be appointed Minister at Baroda.

27. The widow of the late Gaekwar having intimated her desire to adopt any person of our selection, we recommend that, in consideration of the loyal conduct of the late Maharaja Khundee Rao Gaekwar in 1857, she should be allowed to carry out her wishes, and adopt the member of the family whom we may select and place in power.

28. In conclusion, we have to add that we have been actuated throughout solely by the determination of supporting the honor of the Crown. In doing so, we have endeavoured to show every consideration that was proper and possible to the Gaekwar, and to deal with him in a spirit of perfect impartiality. Looking not only to the poisoning case, but to the antecedents of the Gaekwar, to the mal-administration of the State of Baroda, and to the measures taken in consequence, we can confidently assert that he has been treated with the utmost forbearance that was compatable with the duty of the British Government to insist that a State enjoying British protection, the peace of which we are bound to maintain by Her Majesty's forces, should be so administered as to secure the people from grievous abuses.

29. We are fully sensible of the difficulties which have surrounded the treatment of this important and painful case, but we trust that our proceedings and recommendations will meet with the approval and confirmation of Her Majesty's Government.

30. On receipt of the reply to our telegraphic communication, we propose to issue a Resolution expressing our reasons for holding Mulhar Rao Gaekwar to be guilty of the offences imputed to him, and to make public the decision of Government, together with such documents as are necessary for the purpose of explaining our whole proceedings in dealing with the Gaekwar and the State of Baroda.

We have the honour to be, &c.

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WHEREAS by a Commission issued by order of the Viceroy and Governor-General of India in Council under the hand of C. U. Aitchison, Secretary to the Government of India, notified in the *Gazette of India*, dated the 15th of February 1875, and addressed to

The Honourable Sir Richard Couch, Knight Bachelor, and Chief Justice of Her Majesty's High Court of Judicature at Fort William in Bengal;

His Highness Mookhtar-ool-Moolk, Azeem-ool-Iktidar, Rufi-oos-shan, Wala Shikoh, Mohtashin-i-Dowran, Oomdut-ool-Oomrah, Maharaja Dheeraj, Alijah Maharaja Jeeajee Rao Sindiah Bahadoor, Shreenath, Munsoor-i-Zaman, Fidvee-i-Huzrut Malikah-i-Mooazuma, Rafi-ood-Durjeh-i-Inglistan, Maharaja of Gwalior, Knight Grand Commander of the Most Exalted Order of the Star of India;

His Highness Siramad-i-Rajaha-i-Hindoostan, Raj Rajendra Sree Maharaja Dheeraj Sewaee Ram Sing Bahadoor, Maharaja of Jeypoor, Knight Grand Commander of the Most Exalted Order of the Star of India;

Colonel Sir Richard John Meade, Knight Commander of the Most Exalted Order of the Star of India, and Chief Commissioner of Mysore and Coorg;

Raja Sir Dinkur Rao, Knight Commander of the Most Exalted Order of the Star of India, and

Philip Sandys Melvill, Esquire, of the Bengal Civil Service, and a Commissioner in the Punjab;

reciting that an attempt had been made at Baroda to poison Colonel R. Phayre, C.B., the late British Resident at the Court of His Highness Mulhar Rao Gaekwar, and that the following offences were imputed against the said Mulhar Rao Gaekwar, that is to say:—

I.—That the said Mulhar Rao Gaekwar did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.

II.—That the said Mulhar Rao Gaekwar gave bribes to some of those servants, or caused such bribes to be given.

III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets, and to cause injury to Colonel Phayre, or to remove him by means of poison.

IV.—That in fact an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao Gaekwar.

And that the Viceroy and Governor-General in Council had temporarily assumed the administration of the Baroda State for the purpose of instituting a public enquiry into the truth of the said imputations, and of affording His Highness Mulhar Rao Gaekwar an opportunity of freeing himself from the grave suspicion which attached to him.

Therefore the Viceroy and Governor-General of India in Council appointed the said Sir Richard Couch, the said Maharaja of Gwalior, the said Maharaja of Jeypoor, the said Sir Richard John Meade, the said Sir Dinkur Rao, and the said Philip Sandys Melvill, Esquire, to be Commissioners for the purpose of enquiring into the truth of the said imputations and of reporting to the Viceroy and Governor-General in Council how far the same were true to the best of their judgment and belief.

And the said Viceroy and Governor-General in Council appointed the said Sir Richard Couch, to be President of the Commission, with full power to appoint times and places of meeting, to adjourn meetings, to adjust and arrange the method of procedure, to settle the course which the enquiry shall take, to call for and to receive or reject evidence, documentary or otherwise, to hear such persons as he should think fit on behalf either of the Viceroy and Governor-General of India in Council, or of His Highness Mulhar Rao Gaekwar, and generally to guide the whole course of the proceedings of the Commission as from time to time should appear to him to be proper for the purpose thereof.

And after reciting that certain other matters of importance pending between the British Government and His Highness Mulhar Rao Gaekwar were enquired into and reported upon by a Commission appointed by the Viceroy and Governor-General in Council by orders dated 23rd October 1873; and that the enquiry which the said Commissioners were appointed to make was not connected with such matters. For the better understanding of their functions, the said Viceroy and Governor-General in Council thereby declared his desire that they should not extend their enquiry to other matters than the offences imputed to His Highness Mulhar Rao Gaekwar as aforesaid, and that they should not permit any such other matters to be submitted to them for consideration or enquiry.

And the said Viceroy and Governor-General in Council desired that in the event of any of their number being prevented by sickness or other cause from taking his place as Commissioner, or from remaining as Commissioner till the conclusion of their enquiry, the other Commissioners should nevertheless conduct and complete their enquiry in the same way as if the number of Commissioners present or remaining were the whole number appointed thereby.

And the said Viceroy and Governor-General in Council thereby appointed John Jardine, Esquire, of the Bombay Civil Service, to be their Secretary.

And whereas the said Commissioners so appointed as aforesaid met together in the Military Cantonment at Baroda, and commenced the said enquiry on Tuesday, the 23rd day of February 1875. And the said Viceroy and Governor-General of India in Council appeared before them by Counsel.

And His Highness Mulhar Rao Gaekwar also appeared by Counsel and was personally present.

And the said Commissioners met from time to time by adjournment at the place aforesaid, and received the evidence, oral and documentary, produced on behalf of the Viceroy and Governor-General of India in Council, and on behalf of His Highness Mulhar Rao Gaekwar, and a statement in writing of the said Mulhar Rao Gaekwar, and heard Counsel respectively on behalf of the Viceroy and Governor-General of India in Council and His Highness Mulhar Rao Gaekwar.

Now we the undersigned three of the Commissioners appointed as aforesaid do make the following report upon the matters so as aforesaid directed to be enquired into:—

1. It is desirable first to record the dates on which some of the important events connected with this enquiry occurred. They are as follows:—

Colonel Phayre assumed his office as Resident of Baroda on the 18th of March 1873.

The Commission of Enquiry into the complaints of mal-administration on the part of the Gaekwar's Government, brought by the Resident, Colonel Phayre, sat from the beginning of November to the 24th of December 1873.

The Gaekwar Mulhar Rao went to Nausari to celebrate his marriage with Lakshmi Bai accompanied by Colonel Phayre on the 2nd of April 1874, and returned on the 16th of May 1874. The marriage occurred on the 7th of that month.

Lakshmi Bai was delivered of a son on the 16th of October 1874.

The date of the kharita addressed by the Gaekwar to the Viceroy requesting the removal of Colonel Phayre from Baroda is the 2nd of November 1874.

The date of the kharita of the Viceroy announcing the removal of Colonel Phayre from the post of Resident at Baroda, and the appointment of Colonel Sir Lewis Pelly, K.C.S.I., is the 25th of November 1874.

2. The evidence on the record proves in our opinion that an attempt was made on the 9th of November 1874 to poison Colonel Phayre by administering common white arsenic and diamond dust in the glass of sherbet made of pummeloe juice which he was in the habit of drinking on his return from his early morning walk. Colonel Phayre returned home at five minutes to seven on that morning, and was met by Raoji, the havildar of his peons, who made a salaam to him. Colonel Phayre then entered the room he used as an office and dressing room in a small building which adjoins the main block of the Residency. Having entered that room he found the glass of sherbet placed as usual on the wash-hand-stand, and he took two or three sips, replacing the glass on the wash-hand-stand. He then sat down to write, and in twenty minutes or half an hour felt a sudden sensation of nausea. Thinking that the sherbet disagreed with him, and fearing, as he said, that he might be tempted to drink more of it, he flung the contents of the tumbler into the verandah outside the office room. The greater portion of the contents fell in the verandah, but a portion also reached the ground outside the verandah. When replacing the tumbler on the wash-hand-stand, Colonel Phayre's attention was attracted by the colour of a sediment which had remained in the tumbler, and of which a portion was still trickling down the side. He describes the sediment as being of a dark colour, and he adds that on holding up the tumbler and looking at it the thought occurred to his mind that he had been poisoned. This was at about 7.30 a.m. Colonel Phayre at once wrote a note to Dr. Seward, the Residency Surgeon, asking him to come over, and Dr. Seward arrived in half or three-quarters of an hour, or about 8 o'clock. Colonel Phayre handed over to Dr. Seward the tumbler containing the remains of the sherbet, amounting, according to Colonel Phayre's account, to 1½ or 2 tea-spoonsful, and according to Dr. Seward to less than a dessert spoonful. Dr. Seward observed "a little powdery film arise" in the sediment as he shook the tumbler and held it up to the light; and on adding a little water "observed the play of colour on the glistening part of the sediment." Colonel Phayre described the symptoms he experienced to Dr. Seward, who took the tumbler and its contents to his own house for the purpose of ascertaining what the contents were. Colonel Phayre has deposed that no person had access to the tumbler from the time he sipped the sherbet till the time that he made it over to Dr. Seward. The symptoms experienced by Colonel Phayre are described in a letter written by him to Dr. Seward at 11 a.m. on the same day, of which an extract here follows:—

"Although I only took two or three sips of the pummalo juice which the tumbler contained,
"I felt within about half an hour, as I described to you, a most unusual sickness of stomach,
"accompanied by dizziness of the head and of sight, producing confusion of thought, also a
"most unpleasant metallic taste in the mouth, with slight salivation such as I have never
"experienced till within the last few days, and which I attributed partly to a slight attack
"of fever which had, however, quite gone off, and partly to an idea that the pummalos from
"which the juice daily placed on my table had been extracted were not fresh ones."

The metallic taste referred to has been described by Colonel Phayre as being a "coppery" taste; and he states that it commenced about three-quarters of an hour after sipping the sherbet, which he says was quite clear in the upper part of the tumbler, and had no unpleasant taste.

3. Dr. Seward explains the processes he used for ascertaining the contents of the sediment in the tumbler. He took about one-third of the sediment, equal to from one to two grains in weight, and of a faint fawn or pale grey colour; and mixing a little charcoal with it, put it into a test tube, which he heated over a spirit lamp, with the result of producing a metallic ring on the tube. Again heating the tube, he saw above and below the metallic ring a crystalline deposit which was found under the microscope to consist of octohedral crystals. The metallic ring and the octohedral crystals are stated by this witness to indicate almost entirely the existence of arsenic, and he adds that no other mineral poison would yield the same appearance. The rising of the film in the sediment is also an indication of the same poison.

The remainder of the sediment which Dr. Seward had not experimented upon he sent on the morning of the 10th of November to Dr. Gray, the Chemical Analyser to Government at Bombay, having reduced it to the condition of powder by the application of a blotting-paper filter and heat.

4. Some days after having made the test of reduction by charcoal, as above related, Dr. Seward made a further experiment which he thus describes, with the substance that remained in his test tube. He removed the mixture from the tube and threw it upon the surface of some water. Allowing the heavier particles to sink to the bottom, he rapidly poured off that which was floating. After repeating this process several times, he collected the sediment, and placed it on some glass slides, which he produced before the Commission. He put the slides under a microscope, and perceived that the sediment consisted mainly of lustrous crystalline fragments. Passing a clean glass slide over one of the slides covered with the sediment, he found that its surface was scratched. He repeated this experiment before the Commission, the clean slide being readily scratched on being rubbed against the charged slide. Dr. Seward explains that he did not test for copper, but only for arsenic, and that the poisonous portion of the sediment

was the arsenic and not the diamond dust. He did not weigh the sediment that he obtained in the tumbler.

5. Before going on to describe the result of Dr. Gray's analysis of the powder sent to him by Dr. Seward on the 10th of November, it is necessary to refer to two other packets that were also sent to Dr. Grey for analysis. These are, first, a packet containing scrapings of the chunam floor of the verandah into which Colonel Phayre threw the sherbet. Colonel Phayre's evidence and his letter to Dr. Gray show that in consequence of a suggestion thrown out by Dr. Gray to Dr. Seward, and communicated by Dr. Seward to Colonel Phayre, the latter witness on the morning of the 15th of November, caused one of his peons in his presence to scrape as much deposit as could be found on the chunam floor of the verandah where the contents of the tumbler fell. These scrapings were made up by Colonel Phayre himself with a packet, which was forwarded to Dr. Gray on the 16th of November under due precautions. The second packet was found in Raoji's belt on the 25th of December 1874 in the presence of the commissioner of police, Mr. Souter, by whom it was taken to Bombay and delivered to Dr. Gray on the 30th idem.

6. The following is an abstract of the evidence of Dr. Gray, Chemical Analyser to Government at Bombay. He received the three packets above referred to in such a condition and in such a way as to exclude any idea of their having been tampered with *en route*.

The first packet forwarded to him by Dr. Seward contained 1½ grains of powder of a greyish colour, composed partially of glittering particles. He applied the test by sublimation to a small portion of the powder, the result by microscopical examination being the existence of eight-sided crystals. He made a solution of the crystals by boiling them in water. Taking part of the solution, he added to it ammonio-nitrate of silver, and it produced a pale yellow precipitate.

To another part of the solution he added ammonio-sulphate of copper, and the result was a pale green precipitate.

In the remainder of the solution he put muriatic acid, boiled the solution, and passed sulphuretted hydrogen gas through it, the result being a bright yellow precipitate.

He then added ammonia to the three precipitates, reserving, however, a portion of the third precipitate. They all dissolved.

The reserved portion of the third precipitate he boiled with strong muriatic acid, and it did not dissolve.

All these tests satisfied Dr. Gray that the crystals he had produced by the process of sublimation were crystals of white arsenic.

He made further experiments with the powder he received from Dr. Seward. He boiled a small portion of it with water and muriatic acid, and threw two pieces of clean copper-foil into the boiling liquid, which continued to boil. In a few seconds the copper-foil became covered with a grey metallic deposit. One of the pieces of copper foil he dried and heated in a test tube, on the side of which a white sublimate formed consisting of eight-sided crystals. To these crystals he applied the same kind of tests as those already described and with the same results.

7. Dr. Gray also tried the test by reduction with charcoal on a portion of the powder received from Dr. Seward. He produced before the Commission the test tube with the metallic ring, which he states is one of the signs of the presence of arsenic. He did not reduce the ring to white arsenic by heating.

8. In regard to the glittering particles contained in the powder received from Dr. Seward, Dr. Gray deposes that they were not in any way affected by the experiments above described. He examined them under a microscope, and at first thought they might be powdered glass or quartz; but on looking at them on the following day (the 12th of November) on the piece of blotting paper, he was led by simple inspection to think that they were diamonds on account of their brilliancy. He tried to dissolve them in all the ordinary acids, and with an alkali, but the particles were not soluble; and he came to the conclusion that they were diamond dust as the result of his independent inquiries, he not having at that time (the 13th of November) received any intimation that the powder might contain diamond dust.

9. The second packet forwarded by Colonel Phayre with Exhibit I. was received by Dr. Gray on the 17th of November. It contained earthy matter, in weight 17 grains, which on examination by the same tests as those applied to the contents of the first packet, proved to be arsenic, sand, and diamond dust. One grain of arsenic was found by Dr. Gray in the packet forwarded by Dr. Seward, and 1¼ grain in that forwarded by Colonel Phayre, total 2¼ grains. Under circumstances favourable for its action 2½ grains are, Dr. Gray says, a fatal dose for an adult, and the effect of arsenic shows itself, in the majority of cases, in from half an hour to an hour. Diamond dust according to the best authorities has no injurious effect on the human body.

Dr. Gray considers the rising of the film in the sediment, as described by Dr. Seward, to be a likely result of the presence of arsenic in the tumbler.

10. The third packet delivered by Mr. Souter on the 30th of December 1874, Dr. Gray found to contain 7 grains of white arsenic of the same description and physical character as that found in the other two. He judged this from ocular inspection with a microscope.

11. The alleged existence of a metallic taste in the mouth of persons suffering from arsenical poisoning is a fact which has once come under Dr. Gray's personal experience, and one that is constantly referred to in cases that are sent up to him in his capacity of Chemical Analyser,

He himself has taken arsenic for the purpose of ascertaining whether it has any taste, but has found it to be tasteless.

Dr. Gray directed his attention to the discovery of copper in the powders, but found no trace of it.

12. The usual symptoms of poisoning by arsenic are stated by Dr. Gray to be dizziness, nausea followed by vomiting, burning pain in the stomach and purging. Chronic poisoning, or repeated small doses of arsenic, he says, cause watering of the eyes; and if arsenic is applied to a wound it produces injurious effects which may end in the death of the sufferer. He thinks that Colonel Phayre must have taken very little arsenic, but that he took sufficient to cause nausea, which would produce salivation, nausea being a preliminary of salivation.

13. In connection with this part of the case it is to be observed that Colonel Phayre in his evidence states that he was ailing from about the middle of September 1874. He had a cold in his head and a boil on his forehead, for which Dr. Seward attended him. A plaster was put on the boil by Dr. Seward, and the spare plaster used to remain on a table in his office room. Collodion was applied by Colonel Phayre himself to the boil in such a way that he had difficulty in removing the lint with which he had applied it. This occurred one morning between 8 and 9 o'clock, when Colonel Phayre was standing near the wash-hand-stand in his office, whence he would be visible to the peons, who had their post in the verandah leading into that room. Both before and after the application of the plaster Colonel Phayre suffered from slight fever and fulness in the head, and his eyes watered a great deal. He suspected that his sherbet was not properly made from the beginning of October 1874. On the 6th of November he took a sip or two of the sherbet and felt unwell, having fulness in the head, and being sleepy, and generally having sensations like those he had experienced in the early part of October. On the 7th of November he also took a little of the sherbet, and was conscious of having the same symptoms as on the previous day, though in a worse degree. On the 8th he took no sherbet, as he had felt so ill on the preceding day.

The mention of the symptoms Colonel Phayre had noticed between the middle of September and the 9th of November will be found to be of some importance with reference to the evidence of some of the later witnesses in this enquiry.

14. It is obvious that as 2¼ grains of arsenic were found in the sediment of the tumbler, and in the scrapings of the verandah, a larger quantity of arsenic than would suffice to produce a fatal result must have been put into the tumbler, for it is not possible that all the arsenic contained in the sherbet was recovered from the verandah, and the quantity of the arsenic reproduced in the form of crystals by Dr. Seward's experiments is not known.

15. Having shown that poison was actually placed in Colonel Phayre's glass, the next question to consider is, by whom it was given. Abdulla Khan, who had been Colonel Phayre's servant for 15 or 16 years, was charged with the duty of preparing the sherbet daily, but in his absence it was the duty of the butler to prepare it. Abdulla prepared it on the morning of the 9th of November from pure pummeloe juice, and placed the tumbler containing it on the wash-hand-stand in the office room, which, at the time he did so (about 6.30 a.m.) Govind Balu and Yellappa were sweeping and cleaning. Abdulla, having taken out his master's clothes for the day, left the room. Govind Balu, house-servant at the Residency, states that he and Yellappa cleaned out the office room on the morning of the 9th of November during the time Colonel Phayre was out for his walk; that he put fresh water into the water-bottle on the wash-hand-stand, doubtless the bottle from which Dr. Seward poured a little water into the tumbler containing the sediment; that he got that water from the earthen vessel standing in the verandah of the main building from which water was supplied to the European inhabitants of the Residency; and that he left the room at about 7 o'clock before Colonel Phayre's return. He states that he saw Abdulla come into the room, arrange his master's clothes, and go out, but that he did not observe that he brought the sherbet. Lakshiman Dariao Singh, Peon, was outside the room. After Abdulla left the room, Govind Balu states that Raoji, Havildar* of Peons, entered Colonel Phayre's office room, and was in it for 5 or 6 minutes, during which time he emptied the waste-paper basket which stood near the writing-table into another basket, which was kept in the ante-room through which access is obtained to the office room. It may be here noticed. as a fact within the personal cognizance of some of the Members of the Commission, that the office room is of small dimensions.

* A petty officer, the lowest grade of officers is Naik; then above him is the Havildar, and above him the Jemadar. A peon is a messenger.

Yellappa confirms Govind Balu's statement that he was also employed in cleaning out the office room on that morning, but he gives no further particulars. Lakshiman Dariao Singh deposes to his having arranged Colonel Phayre's writing-table on the morning of the 9th of November, having done which he sat at the place allotted to the peons in attendance, and observed nothing further.

16. There does not appear to be any ground for suspecting that any of these persons put the poison into the sherbet. Raoji confesses that he did so, and we think that his evidence on this point may be accepted as true.

17. It is now necessary to consider in detail the evidence of Raoji and other witnesses with a view to ascertaining whether Raoji was instigated to poison Colonel Phayre, and if so, by whom he was so instigated.

18. The evidence of Raoji is to the following effect:—

He was appointed by Colonel Phayre to be Havildar of Peons a year or a year and a quarter ago, and lived in the bazaar in the Baroda Camp. Two months before the Commission

of 1873 commenced its sittings, Salam made repeated overtures to him to visit the Gaekwar. He at last consented, and went at about that time, *i.e.*, two months before the sitting of the Commission, with Salam and Eshwant Rao, whom he met at Eswant Rao's house in the City of Baroda, to the Gaekwar's Palace in the city, and there had an interview with the Gaekwar in the presence of Salam and Eshwant Rao.

The Gaekwar asked him to send him information about the Residency, promising to give him rewards if he did so, and enquired whether Narsu, Jemadar of peons at the Residency, was his friend. Raoji agreed to send the information desired, said that Narsu was his friend, and on being requested by the Gaekwar to do so, consented to bring Narsu to see His Highness. The next day Raoji told Narsu of this visit and of the invitation which had been sent to him, but Narsu excused himself from going then on the plea of want of leisure.

19. Before proceeding further with the evidence of this witness, it will be convenient to explain that Salam is an Arab, living in the City of Baroda, and that he was a horseman (sowar) in the service of, and in constant attendance on the Gaekwar, Eshwant Rao is a Jasud*, or personal messenger of the Gaekwar, and also resided in the city. The room in which this interview is said to have taken place is the same as that in which all the interviews which will be described between the Gaekwar and the Residency servants were held. It was inspected by some Members of the Commission, and it may be described as a small room on the third storey, entered at one corner by the narrow flight of stairs which leads from the entrance of the Palace close to the rear and the Nazar-bagh (garden). The stairs terminate inside this little room, and they are not shut off by a door. The room is in fact an ante-room, in which there is a single door leading into the private apartment of the Gaekwar, where he had a bed and a bathing chair, and appliances for ablution. In the ante-room there are several mirrors attached to the walls, and there is a low and broad wooden bench on which His Highness is said to have sat on nearly every occasion of his meeting the servants. We now resume the thread of Raoji's statement.

* Called also Jasus.

20. Raoji paid three or four other visits to the Gaekwar before the Commission of 1873 sat, and he paid three visits while the Commission was sitting. On each of these occasions he first went to Eshwant Rao's house, and from thence he went to the Palace, accompanied by Eshwant Rao and Salam. At these visits Raoji told the Gaekwar about the persons who came to the Residency, the events that happened there, and the complaints that were made against the Gaekwar's administration at the Residency and before the Commission.

21. At one of the visits paid on a Friday while the Commission was sitting, Raoji informed the Gaekwar that he was going to be married, and the Gaekwar directed Eshwant Rao to remind him of it. On the following Monday, when the Gaekwar visited the Residency, Eshwant Rao informed Raoji that he had brought 500 rupees for him, and desired him to go to his house in the evening and receive that sum. Accordingly Raoji went in the evening to Eshwant Rao's house, accompanied by Jagga, a punkah-puller employed at the Residency, and there he received from Dalpat, Eshwant Rao's clerk, Rupees 500, Jagga being present, but not Eshwant Rao, who was upstairs. Rupees 400 were spent by Raoji in the purchase of ornaments for his marriage, and Rupees 100 he deposited with Jagga. There is no evidence on the record which directly corroborates the truth of Raoji's statement in regard to any of the visits above related, except that on which the present of Rupees 500 was spoken about. But it will be shown further on that about the time these earlier visits were being paid, the Gaekwar was also receiving visits from the woman Amina, who was an ayah in the service first of Mrs. Phayre, and subsequently of Mrs. Boevey, Mrs. Phayre's daughter, and wife of the Assistant Resident at Baroda. There is, however, evidence to corroborate the payment of the Rupees 500, and to this it is expedient now to draw attention, leaving Raoji's further narrative for the present.

22. Jagga (son of Bhagwan) states that he accompanied Raoji to Eshwant Rao's house one evening "fourteen or fifteen months ago," which would be about December 1873 (the Commission, it will be remembered, was sitting during November and December 1873), and that the Rupees 500 were paid to Raoji by Eshwant Rao's *Karkun* or clerk, of which sum Raoji took away Rupees 400 and gave 100 to him, Jagga, to keep.

Dalpat, the clerk, deposes to having paid 500† Baroda Rupees at 8 p.m. twelve or fourteen months ago to Raoji and Jagga by the order of Eshwant Rao, who at the time of the payment was upstairs, and not, therefore, present.

† NOTE.—The Baroda Rupee is of less value than the Queen's Rupee by from 13 to 20 per cent.

Dajiba was the person employed by Raoji to get the ornaments for his marriage made. He shows that about the time of the last Diwali‡ but one, which was on the 20th of October 1873, he employed Shivlal Vithal, a goldsmith, to make up for Raoji various gold and silver ornaments for the person. These ornaments were delivered on two or three occasions as they were ready, and Dajiba got the list with the prices from the goldsmith. This list he delivered to the police when the present enquiry was set on foot, and it shows that ornaments to the value of Rupees 558–6–0 were made by Shivlal Vithal for Raoji between November 1873 and March 1874.

‡ A Hindu festival.

Shivlal Vithal corroborates Dajiba in regard to the time of making the ornaments, and the description of ornaments, and he states their value from memory to be Rupees 475 or 500. He was paid in full for the ornaments by Dajiba and Raoji from time to time.

Dulab, another goldsmith, deposes to having made various ornaments of gold for Raoji in June and August 1874 to the value of Rupees 79-8-0.

Shivlal Vithal and Dulab identified the ornaments they had respectively made, and Raoji admits that they are his property.

Raoji's salary, it may here be noted, was Rupees 10 per mensem.

23. To return to Raoji's evidence, which goes on to describe the visits paid to the Gaekwar after the Commission of 1873 had left Baroda and up to the time that the Gaekwar went to Nausari.

Raoji states that eight, nine, or ten days after the Commission left Baroda, which would be about the 3rd * of January 1874, he visited the Gaekwar at his Palace in company with Narsu, Jemadar of the Residency peons, Salam having previously informed Raoji that he had brought Narsu over to agreeing to come. The day was Sunday, and according to arrangement Narsu, whose house was in the City of Baroda, went to Eshwant Rao's house. Raoji started in company with either Jagga or Karbhai, both of whom were punkah-pullers at the Residency, and went to Eshwant Rao's house, where he found Narsu, Eshwant Rao, and Salam, all of whom accompanied him and his companion (Jagga or Karbhai) to the Gaekwar's Palace. Arrived there Salam went upstairs to inform the Gaekwar, and shortly summoned him and Narsu to the presence. At the interview the persons present were Raoji, Narsu, Eshwant Rao, and Salam. Raoji describes the conversation between the Gaekwar and Narsu on this occasion. The Gaekwar told Narsu that as he lived in the city he should bring information from the Residency every day, and that being an old resident of Baroda, and acquainted with the Sirdars,† he should tell him the names of the Sirdars who went to the Residency. The Jemadar Narsu consented, and said that both he and Raoji would communicate the information through Salam; on which the Gaekwar desired that if there was anything of importance to communicate, it should be committed to writing, the Jemadar bringing the letter when he came to his house in the city, and giving it to Salam. Narsu said to the Gaekwar that his brother's pension had been stopped, and he begged the Gaekwar to make some arrangement about it. The Gaekwar told Narsu to give a petition to the Resident on the subject, promising to make some arrangement if the Resident spoke to him. Two brothers of Narsu were then in the Gaekwar's service as Commandant and Jemadar of Cavalry.

* NOTE.—Narsu makes this visit to fall from the 19th to the 24th of January 1874.

† Nobles.

24. Jagga and Karbhai both depose to having gone to the Gaekwar's Palace with Raoji, Narsu, Eshwant Rao, and Salam, and to having been left downstairs when those persons went up to see the Gaekwar. There are no means of identifying the man who went with the party on this occasion, but there can be no doubt that it was either Jagga or Karbhai. Narsu merely states that Raoji had a companion with him, but he does not mention his name.

25. Raoji then goes on to say that he and Narsu visited the Gaekwar again four or five times about or before the departure of His Highness for Nausari (2nd of April 1874), and that on these occasions they gave information to the Gaekwar of the doings at the Residency. It may here be noted that Narsu only speaks of one such visit at this time, viz., his second visit.

26. Raoji states that he and Narsu went to Nausari in attendance on Colonel Phayre, and that he saw among other persons there Salam and Damodhar Punt. Raoji paid one visit to the Gaekwar when at Nausari, introduced by Salam, and the Gaekwar asked him about Bhau Poonekar and others who went to the Residency.

27. We now come to Raoji's account of his visits to the Gaekwar after the return from Nausari, which was about the 18th of May 1874, and here we remark that Raoji states that in the visits up to this time the only thing the Gaekwar desired was information about the Residency, and that it was after this event that poison was first mentioned by His Highness.

28. These visits after the return from Nausari are stated by Raoji to have been paid, some in company with Pedro de Souza, some in company with Narsu. Pedro was Colonel Phayre's butler, and had been employed in that capacity for 15 years, having been in his service altogether for 26 years.

Pedro took leave for a month to Goa; and three of the visits in his company are fixed by Raoji as occurring before his going to Goa, and one after his return from that place. Raoji says that Pedro invited him to go with him to the palace, stating that he, Pedro, had been asked to go there by Salam. Raoji describes the first visit and the conversation thereat with the Gaekwar, which he limits to enquiries regarding the conversation at the Residency dinner table, and to a request on the Gaekwar's part that Pedro should send him information through Salam. No details are given in relation to the other two visits.

The last visit with Pedro is stated by Raoji to have been two or three days after Pedro's return from Goa. Now Pedro in his evidence before this Commission does not give the date of his return from Goa; but in his statement before Mr. Edginton, the Deputy Commissioner of Police at Bombay, on the 5th of January 1875, he states that he returned to Baroda from leave on the 3rd of November 1874. Raoji recites the conversation between Pedro and the Gaekwar. After asking Pedro when he had returned from Goa, the Gaekwar said to him—"If I give you something, will you do it?" Pedro said he would, if it were possible. The Gaekwar then spoke to Eshwant Rao, who handed a paper packet to His Highness, who put it into Pedro's hands. Pedro asked what it was. The Gaekwar said it was poison, and that it should be put into Colonel Phayre's food. Pedro objected that if Colonel Phayre were to

die suddenly, he (Pedro) would be taken up and be ruined. The Gaekwar then assured Pedro that nothing would happen suddenly, but that Colonel Phayre would die in two or three months. Raoji believes that Pedro kept the powder or packet, but does not know whether he used it or not. Pedro informed Raoji that he had received money from Salam before he started for Goa.

Pedro in his deposition admits that he went to Nausari, and that Salam urged him to go to the palace, but he denies ever having gone there, or having ever spoken to the Gaekwar. He admits that he asked Salam a short time before he went to Goa for money for his expenses by the way, and that Salam gave him 60 Baroda Rupees, saying that the Gaekwar had sent them for the expenses of his journey. He also admits having told Raoji that he had received the Rupees 60, although he says he was not intimate with him, and was only on speaking terms with him.

Whether Pedro did go to the palace at all, or Raoji did accompany him in visits to the Gaekwar, or not, must remain uncertain. There is no corroboration whatever of Raoji's statements on this point.

29. Raoji's first visit to the Gaekwar with Narsu is stated by him to have occurred two or three days after the return from Nausari. This would be the 20th or 21st of May 1874: Karbhai punkah-puller accompanied them. Fifteen days after the return from Nausari, Raoji received Rupees 300 from Narsu as his share of a present from the Gaekwar.

30. At the time Colonel Phayre had a boil on his forehead (September—October 1874) Raoji states that he again visited the Gaekwar with Narsu, and that the Gaekwar gave him a bottle containing a white liquid like water, telling him to put it into Colonel Phayre's bathing or washing water. The mouth of the bottle was stopped with cotton and bees' wax. Raoji put it inside his drawers or trousers, which were tied round the waist with a string, the bottle being pressed against his body by the string. Some of the liquid exuded, or was jerked out in walking, on to Raoji's stomach, and a swelling with a burning sensation was the result. Raoji took the bottle or phial with him to the Residency, and, in reply to Narsu's question, said that he had put its contents into Colonel Phayre's water. This, however, Raoji says, was a lie, in order to stave off the importunity that was manifested by a sowar who came daily to ask if he had done the business. In point of fact he says he flung away the contents of the bottle, because he thought they would injure his master, Colonel Phayre. Raoji showed to Narsu the injury on his stomach. The bottle was kept under a box which was in the verandah of the Residency near the bench where the attendant messenger sat. The bottle was as long as Raoji's forefinger and thin.

The evidence of Dr. Gray, who was examined specially with reference to the injury on Raoji's stomach, is to the effect that the three marks visible thereon above the navel, where the drawer strings are tied, were caused either by caustic or burning from a hot iron; that arsenic is a caustic; and that arsenic in suspension might cause an injury, leaving such marks as those existing on Raoji's belly, if kept in contact with the skin for an hour, even though the surface of the skin were unbroken before the contact. Dr Gray is of opinion that the injury on Raoji's person may have been caused in the way described by the witness, supposing arsenic to have been contained in the bottle. Our opinion on this episode of the bottle will be given when considering the evidence of Damodhar Punt.

31. Raoji describes another visit he paid one evening to the Gaekwar in the palace four or five months after receiving the Rupees 300 from Narsu. This would make the visit to fall in Raoji October or November 1874. Raoji thinks it was 15 or 20 days before the 9th of November. The room in which the interview with the Gaekwar is said to have been held is described by as His Highness' bathroom, the time 7 p.m., or somewhat later, and the persons present Salam, Eshwant Rao, Narsu, and Raoji. The following is Raoji's account of the conversation that passed:—"The Maharaja* said to us—'The Saheb† " 'practices great oppression (*zulm*) on me. I will " 'tell you something; will you listen to it?'"

* The Gaekwar is commonly referred to as the Maharaja, which is one of his titles.

† Meaning Colonel Phayre.

"Then I and the Jemadar said, 'We will listen.' Then the Maharaja said, 'What is the " saheb in the habit of eating?' I then said, 'He does not eat anything in my presence, " 'but he drinks juice (*ras*) sherbet.' Then the Maharaja said to us, 'If I give you " 'something will you put it in (*dalna*)?' Then we said 'What will be the effect of it " '(*kya hoega*)?' Narsu it was who said this. Then the Maharaja said to us, 'I will send " 'a packet by the hands of Salam Sowar.' I thereupon asked the Maharaja 'What will be " 'the effect of it?' (The Interpreter Mr. Nowrojee says the word interpreted as packet may " also mean powder *puri*). When I asked 'What substance is it' (or rather 'thing')? Then " the Maharaja said, 'It is poison (*zahar*).' I then said to the Maharaja, 'If I put it in " 'and if anything happens to the Saheb all of a sudden, what then?' The Maharaja said " 'It will not produce any immediate effect, but will produce an effect in the course of two or " 'three months.' Then the Maharaja said to us, 'I will give you a present of a lakh each, if " 'you will do this thing, and I will employ you, or give you service, and I will protect your " 'children and family. Do not entertain any apprehensions.' I myself asked the Maharaja " 'In what manner shall I put this in?' Then the Maharaja said, 'Take a small bottle, put " 'some water and the powder in it, shake it well, and put that in?' Then I asked the " Maharaja 'If I put the powder thus, what will be the effect?' The Maharaja said, 'If " 'without shaking it you put it in the juice, it will come to the top, therefore you should shake " 'it before putting it in.'. Then Salam Sowar and Eshwant Rao both said 'It will be good " 'for you if you do this job, do not have any apprehensions.' The Maharaja said, 'Make

" ' three powders of this and finish them in three days.' At that time no powder was shown " ' mé; nothing was shown me then.' The Maharaja said, 'I will send it to the Jemadar's " ' house by the hands of Salam or Eshwant Rao.' I said 'Very well.' "

32. The day following this interview Narsu brought and gave to Raoji a packet containing two powders, one white and the other rose-coloured; the quantity in each being as shown to the Court by the witness, about a teaspoonful: the white powder, however, being rather more than the others. Raoji then made up these two powders into three, by dividing the rose-coloured powder into three portions, and adding a pinch of the white powder, which he believed to be arsenic, to each. There was thus a remnant of the white powder which Raoji put into the secret pocket of his belt in paper, and the three compound powders he placed in another pocket of the belt. (The belt is a band of thick cloth lined, encircling one shoulder and falling down to the hip on the other side. There it is joined, and a slide is sewn on for a sword. The waist band (*kammarband*) is tied over the belt, leaving the slide open underneath it). The three compound powders Raoji states he put into Colonel Phayre's sherbet in his office room, one at a time, on alternate days, having first shaken up the powder in water in a phial.

33. This is a convenient place to consider the matter of the discovery of the arsenic powder which has been referred to as the third packet examined by Dr. Gray.

Colonel Phayre has shown that he put Raoji under arrest on suspicion on the evening of the 9th of November, and Raoji states that he was released on the 11th, but was not allowed to resume duty, and went to his house. Raoji also states that on the morning of the 9th of November before he was arrested he was suspended, and that he put his belt of office in the office room occupied by Colonel Phayre at the Residency, Mr. Boevey, who was Assistant Resident at the time, shows, however, that Raoji hung up the belt, when he was deprived of it, on a peg in the room adjoining Colonel Phayre's office, and this, no doubt, is the correct statement.

Raoji was arrested by the Police on the 22nd of December 1874, their suspicions having been directed against him by information they had obtained of the large expenditure, with reference to his means, that he had been incurring in the town. On the 24th, 25th, and 26th of December the statements of Raoji were recorded by Mr. Souter, and on the 25th, Akbar Ali, head of the Detective Police of Bombay, asked Raoji where he kept the powders he had brought from the palace. Raoji replied that he used to put them in his belt, which was then with Bhudar, who had been appointed to succeed him. Bhudar was at once sent for, and came to the room in the Residency where the Police were carrying on their investigation under Mr. Souter, who was also living there, and took off the belt which he was wearing, and handed it to Akbar Ali. Mr. Souter was at that time dressing. Akbar Ali at once examined the belt, and when his finger came in contact with a bit of paper inside the pocket, he called to Mr. Souter, who was in the adjoining room, and in Mr. Souter's presence the packet of arsenic and a piece of thread were found. It is clear from the evidence of Raoji, Akbar Ali, Bhudar, and Mr. Souter, that Raoji had forgotten all about this powder, and that it was not until it was found that he recollected the circumstance. There appears to be no reason whatever for suspecting any foul play on the part of the Police in connection with this discovery, which certainly corroborates Raoji's statement in regard to his treatment of the two powders. Raoji explains that he knew the white powder to be arsenic, and that he put only a little of it into each of the rose-coloured powders for fear lest the action of the poison should be too rapid.

33*a*. We now come to Raoji's last visit to the Gaekwar, which he states to have been made on Friday night (the 6th of November 1874) with Narsu, in consequence of a message brought by Salam. He first went to Eshwant Rao's house, and thence proceeded to the palace with Eshwant Rao, Salam, and Narsu, who were all present with Raoji at the interview with the Gaekwar. The room in which the interview is said to have been held is the "bath-room." The Gaekwar abused Raoji for having done nothing, on which Raoji replied that he had done it, and could not account for the absence of a result. The Gaekwar said he would give him something else to put in. As Raoji was leaving, Salam put something into the Jemadar's hand, which he, Raoji, did not see. Next day (Saturday, November the 7th Narsu) gave Raoji a dark grey powder in a piece of paper. On Sunday the 8th Raoji did not go to the Residency, but he went at 6.30 a.m. on Monday the 9th, and put the whole of the powder into Colonel Phayre's glass of sherbet, having first shaken it up with water in the phial. Raoji says that it was two days before he got this last powder that Pedro received a powder from the Gaekwar (at the last visit he paid to the Gaekwar with Raoji), so that Pedro must have received his powder, if Raoji speaks the truth, on the 5th of November. Raoji explains that he gave the whole of the last powder in one dose, as it was small in quantity, and he did not think it would take effect at once, and, moreover, he was urged to be quick.

34. We now come to the evidence of Narsu. Raoji appears before the Commission as a tainted witness, a principal in a capital offence, under promise of pardon conditional on his speaking the truth. Narsu, on the other hand, was distinctly informed by Sir Lewis Pelly that no pardon should be given to him, and his statement or confession, orally made before the Police and Sir Lewis Pelly on the 24th of December, was not recorded till the 26th idem, in order, as Sir Lewis Pelly explains, that he might have time to think over the matter, and that he might not be induced by any reason to make a statement which would not bear scrutiny. It is therefore necessary to look for facts corroborative of the general truth of Raoji's evidence. Narsu, with regard to the circumstances under which he appears, seems to us to be a truthful witness, and his manner impressed us favourably. Discrepancies between

his and Raoji's evidence there undoubtedly are, and they are to be expected when men are relating occurrences which happened some considerable time before their recital. To show how witnesses on whose veracity no suspicion can rest may differ, it will suffice to refer to the accounts given by Mr. Souter and Sir Lewis Pelly of the reason why Narsu's statement was not recorded on the day that it was first made; Mr. Souter saying that he was too busy to take it down that day; Sir L. Pelly saying that it was because he ordered that time should be given to Narsu to think over the matter.

Narsu states that he was Jemadar of peons at the Residency on Rs. 14 per mensem, having occupied that post for some 17 years, and been employed at the Residency for 32 or 34 years altogether. His house was in the city of Baroda. His usual time for going to the Residency in the morning was 7½ or 8 o'clock, and he returned home at 6½, 7, or 8 o'clock in the evening. He corroborates Raoji's statement in regard to the invitation which was made to him to visit the Gaekwar before or about the time the Commission of 1873 assembled, and his refusal on the plea of want of leisure. He corroborates in all essential particulars the first visit to the Gaekwar described by Raoji as having been made in his company after the Commission dispersed. Between this first visit and the trip to Nausari, Narsu alludes to only one visit with Raoji in the evening, whereas Raoji alludes to four or five visits. When at Nausari, Narsu says he paid no visit to the Gaekwar, except in company with the Resident, and Raoji does not say that Narsu did visit the Gaekwar there with him. But Narsu relates a circumstance not mentioned by Raoji, and this is a fair instance of the absence of all connivance between Raoji and Narsu in the evidence they have given. Narsu says that when at Nausari, Raoji caused a present of Rupees 250 to be given to him (Narsu). Narsu not knowing what to do with the money there, Raoji left it with Salam, who was then going to Baroda. When Narsu returned home, he ascertained that the money had actually been paid on his account to his brother. There is no corroborative evidence of the truth of this story, which is not mentioned by Raoji, but there is no reason apparent for discrediting it, and the inference of course is that the money came from the Gaekwar.

36. Narsu describes his first visit after his return from Nausari. His description corresponds substantially with Raoji's account, but Narsu gives the date of the visit as the middle of June or July 1874, whereas Raoji would make it about the middle of May.

Native witnesses are so notoriously inaccurate in regard to time that discrepancies of this sort do not make their evidence untrustworthy on other points. Narsu says that Raoji, after some conversation with the Gaekwar, suggested that a present should be given in connection with His Highness' marriage (with Lakshmi Bai), and the Gaekwar promised that one should be given. Accordingly 10 or 15 days afterwards Salam brought Rs. 800 to Narsu, of which he gave Rs. 400 to Raoji (who paid Rs. 100 to Jagga) and took Rs. 400 for himself. Narsu gave Rs. 100 of his share to Salam, thus keeping Rs. 300 for himself. Jagga, however, says nothing of having received the Rs. 100 referred to by Narsu, and it is rather to be inferred that he did not receive them, although he admits having been once to the palace in company with Raoji, Narsu, Eshwant Rao, and Salam. Raoji, it will be remembered, acknowledged the receipt of Rs. 300 from Narsu.

37. Raoji states that Narsu was with him when he visited the Gaekwar at the time Colonel Phayre had a boil on his forehead, and received the bottle from the Gaekwar. But Narsu says he did not see the bottle given. He saw the bottle at the Residency, where Raoji explained that he shook up the poison in it with water, and he knows that it was kept under the box close to the peons' bench at the Residency.

38. Up to this time no allusion to poison had been made before Narsu, who now goes on to recite the circumstances of the last two visits to the Gaekwar, corresponding with Raoji's last two visits. One visit was paid 20 or 25 days before the 9th November, thus corresponding pretty nearly with the time stated by Raoji. The place of the visit is the ante-room alluded to above, of the Gaekwar's private room, or bath-room, according to Narsu's account, and not the bath-room as stated by Raoji. There seems to be no reason for believing that any of the visits were paid in the inner or bath room. They were, we believe, all paid in the ante-room. Narsu says that Karbhai was with him, whereas Raoji does not mention Karbhai. Karbhai's evidence leaves it uncertain whether he was with Narsu and the rest on this occasion. It is not pretended by any one that he ever went into the Gaekwar's presence. The names of the persons present at this interview, as given by Narsu, correspond with those mentioned by Raoji, and the following extract from Narsu's evidence contains a description of what passed on the occasion corresponding essentially with Raoji's description:—

"The Maharaja had some talk with Raoji. I was present, heard and took part. The "Maharaja said, 'The Saheb now becomes very angry, and some endeavours should be " 'made regarding it.' Eshwant Rao said, 'It is the intention (*irada*) of the Maharaja. The " 'Maharaja will give you something. You try to put it in (*dalna*).' The Maharaja " said, 'Yes, you should do something by which the thing should go into his stomach.' " I said, 'With regard to the food, that does not lie in my province. I won't be able to " 'do it.' Then Raoji said, 'If you like I will put it in the pummeloe sherbet which " 'he drinks.' The Maharaja said, 'Very well, try to do it.' The Maharaja said, 'I will send " 'a packet (*puri*) which should be given to Raoji.' Eshwant Rao and Salam said, 'With " 'regard to what the Maharaja says, when he gives it to us, we will bring it.' The Maharaja " said 'If the thing is done, it will be good for you.' Eshwant Rao repeated the same thing. " By the words 'It will be good for you' was meant, you will get your meat and drink well, " 'so that you will not depend on service.' The Maharaja said this. Salam and Eshwunt

" Rao said the same thing. This interview lasted ten minutes, or a quarter of an hour. I don't " remember the month. The occasion was 15 days or 20 days or 25 days, or a month before " Colonel Phayre discovered poison in his tumbler. At that interview no packet was given " me. After it was over Salam gave me a packet the next day. Salam gave it me at my " house. The packet was as long as my forefinger, made up in Ahmedabad paper. Salam " said to me 'This is the packet to which the Maharaja referred, give it to Raoji.' I did not " open it, but kept it in my turban. When I came to the Residency at 8 o'clock I gave it to " Raoji." In his cross-examination Narsu explained that he joined in this conspiracy, thinking he should get money and advancement from the Gaekwar.

39. The date of the final visit with Raoji to the Gaekwar Narsu gives as the 2nd or 3rd of November. Raoji says it was the 6th. Narsu went as usual to Eshwant Rao's house at 8 p.m., and the party, consisting of Raoji, Narsu, Karbhai, and Jagga proceeded to the palace, where they saw the Gaekwar in the ante-room as usual, introduced by Eshwant Rao and Salam. Narsu gives the following account of what passed:—" The Maharaja said, 'You are a *lucha* (a " 'loose fellow)' and used a coarse expression. 'You have done nothing as yet.' I said, 'Raoji " 'knows that.' Raoji then said, 'As far as I am concerned, I did put it in.'' Raoji added " 'What can I do if your medicine (*dawa*) is not good?' The Maharaja said to Raoji 'Very " 'well, I will send another packet, and you do it properly (*barabar karo*).' He added, 'Put " 'it in well.' Raoji said 'Very well.' Eshwant Rao and the Maharaja both said 'It will be " 'brought to you to-morow by Salam. Give it to Raoji.'" Narsu then says that the following day Salam gave him a packet like the previous one near his house, and that he handed it over to Raoji at the Residency. Raoji says that as he was leaving the palace, Salam put something into the Jemadar's hand, which he did not see. There is here a discrepancy which has not been cleared up.

40. On the 9th of November Narsu went to the Residency at 8 a.m., and after Dr. Seward had left, Raoji told him that he had put the poison in the tumbler of sherbet, and that the 'Doctor Saheb' (meaning Dr. Seward) had taken it away. Narsu remained on duty at the Residency, till he was arrested by the Police on the 23rd of December 1874.

41. It is now desirable to allude to the evidence of Raoji and Narsu in regard to letters sent by the former to the palace. Narsu states that during the rainy season of 1874 (June—September) he received 20 or 25 letters from Raoji containing the names of visitors and information for delivery to Salam, and that he did deliver them. They were not written on Mondays and Thursdays. Raoji says that he sent some letters of this kind; some of which he wrote himself, and one or two he got Jagga to write. Jagga corroborates this statement, and identifies one letter (Exhibit X.) as having been written by himself by direction of Raoji and Narsu. Exhibit X. is a letter giving information about visits paid by certain persons to the Resident and the conversations that occurred. The letter was found in Salam's house, as proved on the evidence of Chagan Lall, Imam Ali, and Manibhai.

42. The evidence that has been produced leads to the belief that Raoji and Narsu had no opportunity of conversing after they were arrested, and that their evidence is the result of their individual experience. Raoji's statement had not been recorded when Narsu appeared before Sir L. Pelly and made his statement on the 24th of December, and it is therefore impossible that the Police could have instructed Narsu as to the particulars of the statement he was to make. Both these witnesses remained unshaken under cross-examination, and we believe that their evidence in the matters wherein they substantially agree is true. Narsu, when adjured by Sir Dinkur Rao at the close of his evidence to tell the truth without fear and as in the presence of God, declared that he had spoken the whole truth, and that the offer of a pardon could not induce him to say anything else. We also observe that Narsu, after having had his statement and confession taken down by Mr. Souter on the 26th of December 1874, threw himself into a well in the Residency compound, being covered with shame at the part he had taken against a man whom both he and Raoji describe as a kind master. Narsu hesitated in court to say that he had actually thrown himself into the well, and said that his head had become giddy from seeing some of his fellow-servants and that he had fallen in; but having inspected the well, it is difficult to us to conceive that his fall into it could have been accidental, and there is good ground for the presumption that it was intentional on his part.

43. The evidence of Damodhar Punt must now be examined. He used to attend at the Gaekwar's Palace daily from 7 a.m. till 10 p.m., and received a salary of Rs. 200 per mensem. He was the Gaekwar's Private Secretary, and states that he had all His Highness' private accounts under his control. In the dark half of the month Bhadrapad (September and October 1874) he was directed by the Gaekwar to get two tolas* of arsenic for itch, and to write for it to the *Foujdari* Department. There was an edict that arsenic could only be had in the Foujdari, and it could always be had under the Gaekwar's order. Accordingly Damodhar Punt wrote to the Foujdari officer the letter which has been produced (Exhibit Z.). It bears date the 4th of October 1874, and directs that a pass be sent for two tolas of arsenic for "medicine for a horse." The son of Ganpat Rao Balwant, the City Foujdar, endorsed an order on this in his father's name to Dattatraya Ramchandar on the 5th of October as follows:—" The Shrimant Sirkar Maharaj " has ordered to give arsenic, tolas two, as above, on receiving the price; therefore giving to " the said person arsenic as above, take the price." Damodhar Punt states that he mentioned the horse because he was so directed by the Gaekwar. Hormasji Wadia was the Huzoor Foujdar, and he informed Damodhar Punt that he would give the arsenic after asking the

* A tola equals $\frac{2}{3}$ of an ounce in weight.

Gaekwar's permission. Damodhar Punt told the Gaekwar of this, and the Gaekwar told him to get the arsenic somehow or other from Nurudin, a Borah living in the Baroda Camp, who had business with the Gaekwar's *Sillehkhana** or Dispensary. Damodhar Punt accordingly got a packet that was said to contain two tolas of arsenic from Nurudin, either that day or the next (the 5th or 6th October 1874), and gave it, by the Gaekwar's directions, to Salam shortly afterwards; the Gaekwar saying that Salam would convert it into medicine for itch and bring it. No arsenic was got from the Foujdari.

* This word generally denotes an arsenal; but in Baroda it is used to indicate the State medicine store: possibly from the place having formerly been used as an arsenal.

Dattatraya Ramchandar, employed in the Gaekwar's Foujdari Office, deposes that he received Exhibit Z., and that it remained in the Foujdari Office till it was sent for by the present head of that office three weeks previously to his giving his evidence; that no arsenic was given on that order; that an order had been in force for the past eighteen months that arsenic and other poisons were not to be given out except under an order from the Gaekwar; and that this document does not contain the Gaekwar's order, though it is stated in the endorsement that the Gaekwar had given sanction.

44. Damodhar Punt then goes on to state that about eight days after he got the arsenic the Gaekwar ordered him to get one tola of diamonds and give them to Eshwant Rao. He got a packet said to contain diamonds from Nanaji Vithal, the clerk of the jewel department under him, and gave it after asking the Gaekwar for instructions, and in accordance with those instructions, to Eshwant Rao.

45. He further says that eight or four days after this, Gujaba, servant of Nana Khanvelkar, brother-in-law and hereditary minister of the Gaekwar, brought to him a small bottle containing some medicine. The Gaekwar had previously given Damodhar Punt orders to send† large ants, snakes, and the urine of a black horse to the Hakim (Gaekwar's doctor), and the contents of the bottle brought by Gujaba were a concoction made by the Hakim. The Gaekwar having desired Damodhar Punt to pour the stuff into another bottle, Damodhar Punt poured it into a smaller bottle of his own, about half a forefinger's length, which had contained *attar*, or essential oil of roses. Whether the witness used the words attar of roses, or merely attar, which might mean any essential oil, is doubtful. The record has it attar of roses. The point is not very material, and it is clear to us that the small bottle referred to is not one of the usual otto of rose bottles known in Europe which contain only a few drops. Having poured the stuff into this smaller bottle, Damodhar Punt closed the mouth with cotton and bees' wax.

† Probably blister flies are meant.

The next day Damodhar Punt gave the bottle to Salam in accordance with the Gaekwar's verbal order given to him, and directed Salam to give the bottle to Raoji. Damodhar Punt is not very certain about the time he gave the bottle, but he is sure it was after August 1874, and he indicates the Dasserah (20th October) as the time about which he did so. He states that he knew the bottle was to be used to poison Colonel Phayre. We are unable to come to a satisfactory conclusion as to the precise manner in which Raoji became possessed of this bottle, but we are disposed to believe that he did, directly or indirectly, receive from the Maharaja a bottle containing some noxious liquid which was intended to be used to injure Colonel Phayre.

46. Subsequently Damodhar Punt got two more tolas of arsenic from Nurudin by the Gaekwar's orders, which he also gave to Salam.

47. He also, in obedience to the Gaekwar's orders, got from Nanaji Vithal a second tola of diamonds. Nanaji Vithal delivered a packet to Damodhar Punt which he said contained 3‡ mashas of diamond dust and 9 mashas of diamonds. This packet Damodhar Punt, by the Gaekwar's order, gave to Eshwant Rao, who, in reply to a question put by Damodhar Punt, said that they were to be made into a powder and given to Colonel Phayre. This packet of diamonds was given to Eshwant Rao five or seven days before the 9th of November 1874. The Gaekwar told Damodhar Punt that these diamonds were for a crown for the high priest of Akalkote.

‡ 12 mashas go to a tola.

48. It should here be observed that there is no evidence whatever to confirm Damodhar Punt's statement in regard to the procurement of the arsenic from Nurudin. That the Gaekwar desired to obtain arsenic may be held to be proved by the evidence of Damodhar Punt and by Exhibit Z. That arsenic was obtained by Damodhar Punt in the way he describes we consider highly probable. We are also of opinion that it is proved by the evidence of Raoji and Narsu that the poison used against Colonel Phayre came from Salam. That the arsenic which Damodhar Punt gave to Salam is the same that was used to poison Colonel Phayre is certainly probable. We are not prepared however, in the absence of corroborative evidence of the truth of Damodhar Punt's statement, to say that it is proved that the arsenic administered by Raoji was that, Damodhar Punt says, he obtained from Nurudin and gave to Salam.

49. In regard to the purchase of the diamonds, there is the following further evidence: Nanaji Vithal, the Darogah or chief officer of the Gaekwar's jewel department, deposes that shortly before the last Dasserah (20th of October 1874) he purchased by Damodhar Punt's orders 68 or 68½ ratties§ of flat rose diamonds, 1 to 4 diamonds per ratti, from Hemchand, son of Fattehchand. He instructed a clerk to prepare a memorandum (yad) of the purchase. Seven or eight days afterwards he purchased from Hemchand about 74 ratties weight of diamonds of the same

§ A ratti equals 1⅞ grain troy.

kind by Damodhar Punt's orders, and an entry of their purchase was made on the same memorandum. Both lots of diamonds were given to Damodhar Punt as they were purchased, and Damodhar Punt told this witness that the diamonds were to be reduced to powder or ashes to be used as medicine. The total price was Rs. 6,003. Rs. 3,000 were paid by Nanaji Vithal to Hemchand as follows:—Rs. 2,000 were paid through Nanchand, Shroff of the Domala Mahal, out of two items aggregating Rs. 3,629-13-3, which were obtained by savings in the lighting department, and sale of gold coins presented as *nazarana* and credited to the Gaekwar's private account. Rs. 1,000 were paid by Nanaji Vithal himself. He says that the *yad* on which the purchases of these diamonds were entered was written by Atmaram, clerk, and that about the end of the Diwali* (9th of November 1874) Damodhar Punt took it away, in consequence of which the diamonds do not appear in any of the accounts of the jewel-room.

* The Diwali began on the 8th November and ended on the 11th November 1874, the principal day being the 9th.

Atmaram, clerk in the Gaekwar's State jewel-room under Nanaji Vithal, deposes that diamonds were bought from Hemchand about eight days before the last Dewali, a *yad* being prepared by Venaik Rao, son of Venkatesh, and kept by witness till after the report was known of Colonel Phayre having been poisoned, when Nanaji Vithal took it from him. This witness stated also that there was a large quantity of diamonds, loose as well as set, in the Gaekwar's jewel-room, and that at the time of the purchase of these diamonds the ornamentation of a sword handle, scabbard, and jacket with small diamonds procured from the Gaekwar's jewel store was proceeding, there being a balance of such stones going on from year to year. He also stated in cross-examination that after Nanaji had taken away the *yad*, he, Atmaram, asked Hemchand whether he had received his diamonds back, and he replied in the affirmative, Nanaji Vithal also having said at the time of taking away the *yad* that the diamonds were not to be purchased, and that he wished to return them.

50. Damodhar Punt gives the following account about the payment for these diamonds which he received from Nanaji Vithal. He received verbal orders from the Gaekwar to pay for them, and he directed Nanaji Vithal to disburse the money from funds which he had received on the Gaekwar's private account. Those funds he describes as the sums shown in Exhibits R1. and S1. above referred to. The total sum shown in those exhibits to have been credited to the private account is Rs. 3,629-13-3. The order for the payment to the jewellers for these diamonds is stated by Damodhar Punt to be Exhibit T1., dated the 31st December 1874, which sets forth that Rs. 3,632-13-3 have been given by the Gaekwar for a feast to the Brahmins at Swami Narain's temple. Damodhar Punt states that this was a fictitious order, made to conceal the real purpose for which the money was required.

There can be no doubt that this is the case, because Rameshwar, mentioned in the order as the payee and provider of the feast, deposes that he did not receive the amount, and corroborates Damodhar Punt's statement that a receipt was always affixed to the order by the payee, by referring to a true order (Exhibit Y1.), on which there is a receipt of his, whereas T1. has no such receipt. But† there is a doubt whether T1. is really the equivalent of the sums shown in R1. and S1., because, in the first place, the total of R1. and S1. is Rs. 3,629-13-3, whereas the total of T1. is Rs. 3,632-13-3; and, secondly, the date of T1. is the 31st of December 1874, whereas R1. is dated the 1st of January 1875. It is clear, however, that Nanaji Vithal did, as he admits, receive the amounts shewn in R1., and S1., and it is also clear that T1. put into the hands or power of Damodhar Punt a sum of money which might be used for secret service. Indeed Damodhar Punt shows clearly that large sums were from time to time set aside as secret service money. Exhibits A1. to Q1., bearing date from the 24th of November 1873 to the 13th of October 1874, are fictitious orders for payment to Salam and Eshwant Rao on account of goods alleged to have been purchased by them for the Gaekwar; and the proof of their fictitiousness, as explained by Damodhar Punt, is that they contain no details of the goods or of the names of the merchants from whom they were purchased. One difference between the orders A1. to Q1. and the order T1. is this, that the former bear in each case the acknowledgment of the payee, whereas T1. does not. It is therefore evident that T1. is not only fictitious in its purposes, but is also made so as to conceal the name of the person to whom payment was made, and it may be regarded as corroborating Damodhar Punt's statement that he directed Nanaji Vithal to pay for the diamonds. Damodhar Punt also says, and in this he is corroborated by Nanaji Vithal and Atmaram, that the diamonds were not credited or entered in the jewel accounts, as the Gaekwar said they were for medicine, and that only a *yad* or memorandum to that effect was prepared in the jewel department, which *yad* the Gaekwar, on being asked by Damodhar Punt about it after the attempt to poison Colonel Phayre on the 9th November had become known, directed should be destroyed. Damodhar Punt accordingly told Nanaji Vithal to remove the *yad*, which he did, and the amount was shown as paid to Swami Narain (T1.).

51. It now remains to examine the evidence of Hemchand in regard to these diamonds. This witness contradicted himself in the most violent way, and no reliance can be placed on his evidence generally. His object seemed to be to deny all connection with the purchase of the diamonds. He admits that he took two packets of diamonds to Venaik Rao (brother-in-law

† NOTE.—Subsequently added by Mr. P. S. Melvill, Commissioner.

The doubt expressed in paragraph 50 in regard to the total of Exhibit T1. not agreeing with the totals of Exhibits R1. and S1. was caused by misreading a badly printed figure 6 in Exhibit R1. for a 3. In reality the total of T1. does agree with the totals of R1. and S1.

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of Nanaji Vithal and employed in the Gaekwar's jewel department) on the 31st of October or 1st of November 1874, but he says that they were returned to him. He denies ever having sold diamonds to Damodhar Punt, Nanaji Vithal, or Venaik Rao. He admits having received Rs. 2,000 from Nanaji Vithal on the 3rd of December 1874, and another 2,000 on the 2nd and 3rd of January 1875; but he states that these were on account of Hundi (bill of exchange) transactions. The Hundi transactions are entered in the name of Shivchand Khusalchand, a Poona firm, Nanaji Vithal having purchased from that firm goods to the value of Rupees 7,000, and remitted Hundies to that amount procured from him (Hemchand). It is not at all established to our satisfaction that these payments of Rs. 2,000 each on the 3rd of December 1874, and the 2nd and 3rd of January 1875, were on account of the Hundi transactions. More probable does it appear that the payments were really for the diamonds as stated by Nanaji Vithal. Hemchand admits that the Rs. 2,000 paid on the 2nd and 3rd of January were received from the Karkoon of the Domala villages, as stated by Nanaji Vithal, and the date of payment is consistent with Nanaji Vithal's statement that the money was in part of the sum covered by the order No. T1., which bears date the 1st of January 1875. In regard to the Rs. 2,000 paid on the 3rd of December 1874; Nanaji Vithal deposes that he did pay that sum to Hemchand, but that he received back a Hundi and cash to the amount of Rs. 1,000, leaving the Rs. 1,000 net to be credited; and Hemchand admits that he did give to Venaik Rao, son of Venkatesh and brother-in-law of Nanaji Vathal, a Hundi for Rs. 750 on the 8th of December 1874; the premium on the Hundi being Rs. 155–10 and Rs. 94–6 having been paid in cash to Venaik Rao—total Rs. 1,000. It is therefore clear that this transaction, which left a net credit to Nanaji Vithal's account of Rs. 1,000, either had no connection with the payment for the diamonds, or that it was entered on by Nanaji Vithal before, so far as is known, any funds had been placed in his hands with a view to paying for the diamonds. Hemchand's books afford but little assistance in corroborating Damodhar Punt's statement in regard to the purchase of the diamonds. Only one of these books (marked A2.) has been put in before us, and it has been tampered with. We find no grounds for considering that the police had anything to do with the tampering. There is an entry of the 7th and 8th of November 1874 of the purchase by Nanaji, on account of Damadhar Punt, of diamonds to the value of Rs. 6,270; and Hemchand admits that this entry is in his own handwriting, but he urges that it was made under compulsion exercised by Gajanand, Inspector of Police, on the evening of the day he made his first statement before Mr. Souter (the 6th of February 1875). As stated above, we do not believe that Gajanand did exercise any such compulsion, because the entries are contradictory to some extent to the statement made by Hemchand before Mr. Souter, and it is not to be supposed that Gajanand, an astute man, would be guilty of a gross anachronism. But with advertence to the undoubted fact that this book has been altered, we prefer not to place any reliance on it. The only portion of Hemchand's evidence which has an important bearing on the case is that which relates to the taking of diamonds to the palace, and the payment of Rupees 3,000 net.

52. The conclusion we draw on the question of the purchase of the diamond is that there is reason to believe that Damodhar Punt in October and the beginning of November 1874, under directions from the Gaekwar, got diamonds from Nanaji Vithal, which he gave to Eshwant Rao; that Nanaji bought them from Hemchand; and that the palace accounts and Hemchand's accounts have been falsified so as to conceal the purchase of the diamonds.

The natives of Baroda, in common with the natives of India generally, probably believe in the poisonous properties of pounded diamonds, although there is apparently no well grounded reason for such a belief. The question naturally arises why Damodhar Punt did not get the diamonds from the Gaekwar's jewel room, where there was a stock in hand. The only answer to this question that can be suggested is that it was probably thought easier to conceal a purchase of new diamonds than to take them from a store the keeper of which would be bound to exhibit the transaction in his accounts.

53. Damodhar Punt was arrested on the evening of the day the Gaekwar was put into confinement (14th January 1875). He was confined for two days in the Senapati's Office at the palace, and then he was brought to the Residency, where he was placed under a guard of European soldiers for 16 days, and afterwards under a police guard. He was present at the palace when his papers there were sealed up after the Gaekwar's arrest. Being, he states, tired of the European guard, and thinking that he could not otherwise get out of confinement, Damodhar Punt made a confession to Mr. Richey, Assistant Resident, on the 29th and 30th of January 1875, and this confession was attested before Sir Lewis Pelly on the 2nd of February 1875. It is substantially the same as his evidence before the Commission, and it was made under a promise of pardon from Sir L. Pelly.

54. After his confession, his box containing the private papers of the Gaekwar was unsealed in his presence, and the exhibits marginally noted were found therein. He states that although before his arrest he used to hear from Salam what he had heard regarding the statements of Raoji and others, yet he never was informed of any of the details of Raoji and Narsu's confessions up to the time he made his own confession to Mr. Richey. It is impossible for us to say that this assertion should be accepted as true, but no evidence has been produced to contradict it. It is to be noticed that Damodhar Punt never went to the Residency in Colonel Phayre's time, and that he accompanied the Gaekwar on one occasion only, after Sir L. Pelly had assumed office at Baroda. He never saw Raoji at the palace, but he mentions that Salam said to the Gaekwar in his presence, at the time when Colonel Phayre was suffering from the boil in September, that he had induced Raoji to put a pinch of arsenic on the plaster used for

the boil, and that this had caused a burning sensation, which led Colonel Phayre to remove the plaster.

He repeats several conversations he alleges he had with the Gaekwar, beginning with the 9th of November, and ending with the date of his arrest. These conversations, if they really occurred, and have been truly related, show that the Gaekwar was cognizant of the rumour which had spread on the 9th of November of the attempt having been made on that day to poison Colonel Phayre. There is one circumstance noticed in the conversation of the 9th of November which is corroborated by independent evidence, and, so far as it goes, it supports Damodhar Punt's accounts of these conversations. The Gaekwar, when returning from the Residency on the morning of the 9th of November, said to Damodhar Punt that Salam had run that morning to Raoji's house for the purpose of getting hold of any packets of the poison that might have remained and throwing them into the fire. Natha Jagga in charge of the conservancy of the Sadar Bazaar in the Baroda Camp where Raoji lived, saw Salam riding towards the Sadar Bazaar from the direction of the city on the morning of the 9th of November, and he saw him riding back towards the city about 5 minutes afterwards. Mahomed Ali Baksh, a Residency messenger, spoke to Salam at the Residency before Colonel Phayre returned from his walk that morning; and as he was coming back to the Residency from the Sadar Bazaar after leaving Dr. Seward's house, where he had taken the letter given to him by Colonel Phayre (evidently alluding to the first letter Colonel Phayre wrote asking Dr. Seward to come to the Residency), he saw Salam riding back towards the city. Now this evidence of Natha Jagga and Mahomed Ali Baksh, though not conclusive as to the fact that Salam went to Raoji's house on the morning of the 9th, shows that very probably he did so; and as Salam must have returned to the Gaekwar before His Highness paid his usual visit that morning to the Resident, the fact which the Gaekwar mentioned to Damodhar Punt, *viz.*, that Salam had gone to Raoji's house to destroy any powders that might have remained, is probably true, and it is difficult to conceive that Damodhar Punt could have fabricated the statement alleged to have been made to him by the Gaekwar.

Damodhar Punt also says that the Gaekwar in his presence repeatedly cautioned Salam and Eshwant Rao not to say anything about the poisoning when alarm had been caused by the inquiry that was set on foot. These persons have not been called as witnesses in this investigation either for the prosecution or the defence.

55. Damodhar Punt describes the system of accounts prevailing in his (the private or *khangi*) department; and it will be sufficient here to mention that the first paper is the memorandum or *yad* which recites the order for payment, and is receipted by the payee. From the *yad* a daily journal is prepared, and from the daily journal a monthly account, and from this a yearly account. The *yad* and daily journal could easily be destroyed; but when once the monthly account had been made and incorporated in the yearly account, the difficulty of making away with all trace of any particular item would be greatly increased, and this was the reason assigned by Damodhar Punt in cross-examination for not destroying all the papers which in any way bear on the transactions which have resulted in this enquiry. An attempt was made to obliterate entries in four daily journals. Damodhar Punt says that he caused Balwant Rao, clerk, to make these obliterations by pouring ink over that part in each which contains the name of Salam. Balwant Rao denies having made the obliterations, which are most clumsily done, though they have been effectual. Damodhar Punt states that he had the entries obliterated in order to hide Salam's share in these transactions and to screen the Gaekwar, and that he did so in obedience to the Gaekwar's orders. He admits now that it was unwise to do so, as the ink splotches attract attention to the papers. These papers were part of those under Damodhar Punt's control which were sealed up at the palace on the day the Gaekwar was arrested, and the evidence of Gajanand and Mr. Souter shows that when the papers were subsequently opened in Damodhar Punt's presence, they were in the same condition as that in which they were when produced before us. Lastly, Damodhar Punt states that no payment was made to Nurudin for the arsenic, as he was promised the business of the Gaekwar's Sillekhana (Dispensary) in consideration of his having given it. Nurudin has been arrested, but he has not been put into the witness box.

56. The remaining evidence in the case is that of the Ayah Amina and of those connected with her. She was in the service first of Mrs. Phayre, and accompanied that lady to Bombay in March 1874. She then remained in Bombay for a month, and, on returning to Baroda, entered the service of Mrs. Boevey, who was then residing at the Residency. She describes three visits she paid to the Gaekwar in the palace, it being the evening time on each occasion.

The first visit she paid with Faizu, Chobdah of the Residency peons, at the time the Commission of 1873 was coming to a close, and she states that she went at Faizu's solicitation. She and Faizu were introduced to the Gaekwar by Salam, whom they picked up on the way. The Gaekwar asked Amina whether she had heard Mrs. Phayre say anything about the Commission, and he directed her to send word by Salam or Eshwant Rao if she did say anything. Faizu, although he denies having persuaded Amina, states that he did accompany her to the Gaekwar, Karbhai being the driver. He heard the conversation between the Ayah and the Gaekwar. The Gaekwar asked the Ayah to speak to Mrs. Phayre in his favour, as many persons were making representations about him, and the Ayah replied that she could not make any solicitation to Mrs. Phayre. Karbhai deposes to having driven the Ayah and Faizu to the palace on this occasion.

57. The second visit the Ayah says she paid in June 1874 after the Gaekwar's return from Nausari, on the invitation of Salam and Karim (Naik of the Residency peons). She was

accompanied by Karim, and was joined by Salam, who took her and Karim to the Gaekwar, who asked her if Mrs. Boevey had said anything about the marriage at Nausari. Amina replied that she had heard nothing, but that when Mrs. Phayre returned from England some good thing would happen to the Gaekwar, as she and Colonel Phayre were favourably disposed towards him. The Gaekwar then told Karim to say something in his favour to Mr. Boevey. As Amina and Karim were taking their leave, the Gaekwar told Salam to give them something. Salam then told Karim to go the next day to Eshwant Rao's house; and the next evening Karim came to Amina, saying that he had got Rs. 200, of which he gave her half the next morning. She understood the present to have reference to the Nausari marriage. Karim corroborates the Ayah in regard to the visit and as to the general purport of the conversation. He says, however, that the Gaekwar asked Amina whether the resident was angry with him on account of the marriage (alluding to the marriage with Lakshmi Bai). He states that he went the next day to Eshwant Rao's house, where Salam gave him Rs. 200 as a Nausari present, half being for himself and half for Amina, to whom he gave Rs. 100. This witness contradicts the Ayah about his having asked her to go, and he says that she took him.

Sandal was the carriage driver on this occasion, and he proves that he drove Amina and Karim to the palace.

58. The third visit the Ayah says, occurred in the month of Ramzam, and her husband, Abdulla, gives the time as the 15th or 18th of that month. The Ramzam in 1874 began on the 12th of October, so that this visit, according to Abdulla, would have occurred on the 27th or 30th of October. Amina says that Salam brought a message that the Gaekwar wished to see her, and that she and her servant boy, Chotu, went in a carriage procured by her husband, and that she called for Salam on the way, and went up with him into the presence of the Gaekwar, with whom she held the following conversation:—"The Maharaja first asked me this—'Has " 'the Madam Saheb been saying anything about the child?' The Madam Saheb was Mrs. " Boevey, and the child was one born to the Maharaja. I said, 'The Madam Saheb has said " 'nothing, and I know nothing.' I then said, "When the senior Madam Saheb (meaning " 'Mrs. Phayre) comes, something good will occur to you. She and Colonel Phayre both wish " 'you well.' I then said to the Maharaja, 'When the Madam Saheb comes back, something " 'good will happen to you. Do you attend to what the Saheb says. Don't be afraid.' " Then Salam said, 'Can any charm be used?' Salam it was who first spoke of charm. Salem " said, 'Should a charm be used, will the Saheb's heart be turned?' but I did not exactly " understand his meaning. I then said to Salam, as well as to the Maharaja, 'Don't you use " 'any *jadu* (arts of sorcery) for the Saheb, for they will have no effect on a Saheb.' The " reason I gave for that was this, that the Saheb people had faith in God. Then Salam said " to me, 'Should anything be given to a Saheb, what do you think the effect would be?' " At this I felt very much alarmed, because before that I had heard something stated by " two persons. I then said, "Maharaja, I am going away.' I don't see the Maharaja " here now; if he were here he would corroborate me. Then Salam, addressing me, said, " 'Hear what the Maharaja will tell you, and if you attend to him, you will have enough to " 'live on for the rest of your life.' Salam then said to me, 'Your husband will also get " 'employment, and you too will not have to serve any more.' I said in return to Salam, " 'I have not been starving all this time back. I have spent all my time hitherto, serving " 'the English.' Just then as I was about to go away, I said to the Maharaja, 'Don't you " 'listen to what anybody may tell you to do to the Saheb; for if anything injurious should " 'happen to the Saheb, you will be ruined.' Then it seemed to me that the Maharaja got " angry at this, because he said to Salam, 'Take the Ayah away.' I and Salam then went " downstairs to the place where the *gari* had stopped."

It will be recollected that Lakshmi Bai's son was born on the 16th of October 1874. The next time Salam came to the Residency he told Amina that he had placed Rupees 50 under her cot, and there she found them. Chotu corroborates the Ayah in regard to going to the palace with her on this occasion, and so does Daud, the driver of the carriage, who states the date of the visit to have been two or four days before the last Diwali. The Diwali of 1874 fell on the 9th of November.

59. Abdulla, husband of Amina, states that Salim used to go to Faizu's room in the Residency premises to drink water; he was informed by his wife of the first and second visits, and was aware of her having received the hundred rupees, and he recites the substance of her conversation with the Gaekwar on the third visit as told to him by her. He knew that his wife got fifty rupees after the third visit. He received a letter from Amina when she was at Bombay, and he was at Baroda, in which there was an enclosure for the Gaekwar.

60. There were several letters put in that passed between Amina and Abdulla when they were residing in different places in 1874. Allusions are made in all of them to Salam, Eshwant Rao, or matters connected with the Baroda State. In letter D., dated the 29th of March 1874, written for Amina to Abdulla, the addressee is asked whether he received the enclosure contained in Amina's preceding letter. Amina, Abdulla, and Abdul Rahman (alias Rahim Saheb), the writer of the letters for Amina, depose that this enclosure was a letter to the Gaekwar. Abdulla states that he gave the letter back to Amina on his meeting her at Bombay on his way to Mahableshwar, and there is no reason for doubting that Amina did write such a letter, the contents of which Abdul Rahman describes from memory as being a request to the Gaekwar for money, and a statement that there had been a dinner at the Governor's at Bombay, where Amina had "made enquiries," ending with the words "do not be apprehensive." This letter to the Gaekwar is not forthcoming, but it is clear that it was

never delivered to him. It is to be noted that Colonel Phayre deposes that when at Bombay in March 1874 he did go to lunch with the Governor.

61. We believe that Amina did pay the three visits above related, and that conversations of the character and to the general effect deposed to by her did take place between her and the Gaekwar.

62. When the case for the prosecution had been closed, a written statement by the Gaekwar was put in by his Counsel. No witnesses were called on behalf of the Gaekwar, nor were any questions put to His Highness before the Commission. The important part of the statement is as follows:—"I never had, nor have I now, any personal enmity towards " Colonel Phayre. It is true that I and my Ministers were convinced that, owing to the " position taken up by Colonel Phayre during his residency, it would be impossible satisfactorily " to carry out the reforms I had instituted, and was endeavouring to complete, in deference to " the authoritative advice conveyed to me in the khureeta of the 25th July 1874, consequent " upon the report of the Commission of 1873. Acting on this conviction, and after a long " and anxious deliberation with my Ministers, Messieurs Dadabhoy Nowrojee, Bala Mungesh " Waglé, Hormusjee Ardasir Wadia, Kazi Shahabuddeen, and others, I caused the khureeta " of the 2nd of November 1874 to be despatched to His Excellency the Governor-General " through Colonel Phayre, and, notwithstanding his remonstrances, feeling assured that when " the true state of affairs was placed before his Excellency the Viceroy, my appeal would be " successful. This conviction was shared by all my Ministers, and was strengthened by our " knowledge of the severe censure which had been passed on Colonel Phayre by the Bombay " Government. The removal of Colonel Phayre on the 25th of November 1874 shows that our " judgment was not erroneous. Thus, neither personal nor political motives existed to induce " me to attempt the crime with which I am charged, and I solemnly declare that I never " personally, or through any agent, procured or asked the procurement of any poison whatsoever " for the purpose of attempting the life of Colonel Phayre; that I never personally, or through " any agent, directed any such attempt to be made; and I declare that the whole of the " evidence of the Ayah Amina, of Raoji, Narsu, and Damodhar Trimbuck on this point is " absolutely untrue. I declare that I never personally directed any of the Residency servants " to act as spies on the Resident, or report to me what was going on at the Residency, nor did " I ever offer or cause to be paid any money to them for such purposes. I say nothing as to " the presents that may perhaps have been made to servants of the Residency on festive " occasions, such as marriage and the like. Information on trifling matters going on both at " the Residency or at my own Palace may have been mutually communicated, but I did not " personally hold any intercourse with those servants for this purpose; nor am I personally " cognizant of any payments for the same having been made, nor did I authorize any measures " by which secrets of the Residency should be conveyed to me."

63. We have now given a summary of all the evidence that it was necessary to give for a comprehension of the case. Other portions of the evidence will be alluded to in the general remarks which we now proceed to offer.

64. We have stated our belief that poison was put into Colonel Phayre's glass of sherbet on the 9th of November 1874, and we have no doubt that it was so put with the intention of causing Colonel Phayre's death. We are further of opinion that there is good ground for the belief that previous attempts were made to poison Colonel Phayre between the latter end of September and the 9th of November; some of them being made by Raoji when he administered the three compound powders, and, had he not had a fear of putting in the full doses of arsenic, the probability is that Colonel Phayre would then have become seriously ill, even if his life had not been destroyed.

65. We have also stated our belief that the poison was put into the sherbet on the 9th of November by Raoji, acting in concert with Narsu, though Narsu was not actually present at the time the poison was mixed. We consider that Raoji and Narsu had no personal motive for wishing to injure their master by these attempts, and that they were instigated by some other person to make them, and it is our belief that the Gaekwar Mulhar Rao was the person who so instigated them. The evidence of Raoji, Narsu, and Damodhar Punt appears to us to prove this. The compound powders first administered by Raoji contained arsenic as one of the ingredients: the powder administered on the 9th of November contained arsenic and diamond dust, or pounded diamonds.

66. The motive that actuated the Gaekwar to give the poison was a strong feeling of hostility towards Colonel Phayre, and a determination to get him removed. The kharita of the 2nd November 1874, written by Dadabhai Nauroji, the Gaekwar's Minister, in the name of the Gaekwar, to the Viceroy, abundantly shows the strong feeling which the Gaekwar entertained against Colonel Phayre.—"It had occurred to me ..... whether I should not solicit " Your Excellency's attention to the position which the present Resident, Colonel Phayre, had " all along taken up towards me, and to submit for Your Excellency's consideration whether " with the want of sympathy which existed between us I could expect an unbiassed and fair " treatment at his hands in future." It then alludes to the "more determined and active " opposition towards me and my administration than before," and proceeds to give an account of two instances in which Colonel Phayre's conduct is criticised.

"These two instances which I have taken as representative ones can hardly give an idea of " the harassing and vexatious treatment I am at present receiving at the Residents hands.

"This attitude on the part of the British Representative has naturally become a source of " serious anxiety to me, especially as in such times persons are not wanting who for their

" private ends take advantage of this state of things to misrepresent me, and to instigate con-
" tinuous resistance to my authority among my subjects. The result will be a great loss of
" revenue this year, and a continuance of the unsettled state of the minds of the people. How
" seriously this state of affairs must embarrass and obstruct me in my intended reforms it is
" not difficult to conceive. Your Excellency knows well the extent and nature of the work
" before me, and I owe it to myself and those whom I have engaged for that work to submit
" how hopeless any efforts on my part would be if Colonel Phayre were to continue here as
" representative of the Paramount Power, with his uncompromising bias against me and my
" officials.

" I beg it to be understood that I do not impute other than conscientious motives to Colonel
" Phayre. But he is too far committed to a distinct line of policy, and to certain extreme
" views and opinions, and he naturally feels himself bound to support all and everything he
" has hitherto said or done."

67. In reply to this letter, the Viceroy deemed it unnecessary to discuss the reasons given by His Highness for " desiring a change in the Baroda Residency;" but " after a careful considera-
" tion of the circumstances that have taken place, and, moreover, in pursuance of the deter-
" mination of the Government of India to afford Your Highness every opportunity of in-
" augurating a new system of administration with success," His Excellency communicated to the Gaekwar his determination to appoint Colonel Sir Lewis Pelly, K.C.S.I., to be Agent at Baroda in place of Colonel Phayre.

68. It is perhaps unnecessary to show by any further reference to the evidence on the record of this enquiry that the Gaekwar entertained strong feelings of hostility to Colonel Phayre. It is true that the Gaekwar, when spoken to by Colonel Phayre about the kharita of the 2nd of November, stated that Mr. Dadabhai Nauroji, the Minister, had written it, and that he (the Minister) was responsible for it. This, it is clear, was a subterfuge, and, as explained by Colonel Phayre to the Gaekwar, the object of allowing His Highness to select his own Minister was that he himself might be responsible for all communications sent to the Viceroy or the Bombay Government. Moreover, the Gaekwar in the written statement which he has put in before us, admits that he did cause the kharita to be despatched. The absence of Colonel Phayre from the Gaekwar's nuptial ceremonies at Nausari, albeit in accordance with the orders of the Government of India, must have been displeasing to the Gaekwar. His allusion to the subject in his conversation with Amina can bear no other construction than that he was, to say the least, anxious on the subject of the marriage, and it cannot be doubted that his feelings on this head must have been intensified after the birth of the child.

69. It is difficult to distinguish political from personal dislike in the mind of the Gaekwar towards Colonel Phayre. There has been nothing elicited in this enquiry to show that there was any personal discourtesy exhibited by Colonel Phayre to the Gaekwar. The hostility between Colonel Phayre and His Highness arose entirely, so far as we can see, from differences of opinion in matters of State, but there can be no doubt that the dislike entertained by the Gaekwar was both political and personal, and we are unable to admit the correctness of his statement that he had no personal enmity towards Colonel Phayre.

70. The manner in which the communications opened by the Gaekwar with Raoji, Narsu, and the Ayah, Amina, culminated in a plot to poison the Resident has been shown in the evidence which we have summarized. At first in the end of 1873 and beginning of 1874 the Gaekwar's object was apparently only to obtain information of what went on in the Residency in reference to the affairs of the Baroda State. He kept the strings entirely in his own hands, using as his agents Salam and Eshwant Rao, and keeping even his Private Secretary, Damodhar Punt, ignorant of what was going on. He dealt with Amina separately from Raoji and Narsu. At last when he had become exasperated at the refusal of the Resident to acknowledge the marriage with Lakshmi Bai and the birth of her son, the idea of using poison was entertained and carried out. The inducement held out to Raoji and Narsu was personal advancement and remuneration, of which they had received a considerable guarantee in the payments that had been made to them when as yet the ostensible object of their employment was simply to obtain information of what passed at the Residency. Raoji received in the end of 1873 Rs. 500 from the Gaekwar on the occasion of his (Raoji's) marriage. Subsequently, in May or June 1874, he received a further sum of Rs. 300 as a present on the occasion of the Gaekwar's marriage, making a total sum of Rs. 800. Narsu got Rs. 300 on the latter occasion as a present for the Nausari marriage, and Rs. 250 he had received without any specification of the cause, making a total of Rs. 550. These sums, even after allowing for the difference in value of Baroda and Queen's rupees, were absolutely large, considering the small rates of pay received by Raoji and Narsu at the Residency, and the same remark applies to the Rs. 150 which the Ayah received on two occasions in 1874, the first occasion being on account of the Gaekwar's marriage, and the second, when Rs. 50 were given, being after the Ayah's last visit in October 1874, and unconnected with any special event. We have no hesitation in expressing our opinion that these presents were given to the servants to induce them to give from time to time information about what passed at the Residency relating to the affairs of the Gaekwar, and that they were not the ordinary presents which His Highness might be expected, in accordance with custom, to give on occasions of rejoicing to the servants of the Resident. We should consider payments made under such circumstances to be bribes, but we are unable to say that the Gaekwar regarded them in the same light.

71. But, it may be asked, would the Gaekwar expect Raoji and Narsu to commit a murder for a sum so incommensurate with the work to be done? To this, it may be replied that the

Gaekwar had bound them to himself by the payments he had made, and by acts of visiting the palace and giving information which he had caused them to do, and that he had given a promise of large reward in the event of success. Raoji describes the promise as of a lakh of rupees to him, and of a similar sum to Narsu. Narsu describes the promise as of a provision for life for themselves and their families. To poor men already committed to the Gaekwar, these promises doubtless appeared a sufficient inducement to get rid of Colonel Phayre in, as they thought, a way that would not be instantaneous, and therefore likely to lead to their detection, but by a gradual and slow process.

72. The conduct of the Gaekwar on or after the 9th of November 1874 is not consistent with the view of his innocence. The evidence of Damodhar Punt leads to the belief that the Gaekwar knew that the attempt to poison had been made when His Highness visited Colonel Phayre at 10 o'clock that morning. But even if he had not known of it then, he must have known it before the evening of that day. Colonel Phayre and other witnesses have deposed that the fact of the poison having been given was commonly known in the Baroda Camp on the 9th of November. The city is not a mile from the camp. Salam had been at the Residency that morning, and had been told by Raoji that the business had been done. It is not conceivable that Salam, who was in constant attendance on the Gaekwar, should have failed to inform his master of what had been done, and yet we find the Gaekwar visiting Colonel Phayre on the following Thursday* for the first time after Monday, the 9th of November, and then stating that he had heard the report of the attempt at poisoning on the previous day, the 11th, and it was not till the 14th November that the following letter was written.

* 12th November.

"At a personal interview with you the day before yesterday, I learnt from you the par-
" ticulars about the attempt made by some bad man to poison you, for which I am very sorry.
" But it was the favor of God that his cruel design did not meet with success. If it becomes
" necessary to obtain my assistance in proving this criminal's guilt, the same will be given.
" This is written for your information. Dated 14th of November 1874."

73. The question naturally arises why should the Gaekwar, having sent the kharita of the 2nd of November 1874, have taken in hand the plan for getting rid of Colonel Phayre by poison? Supposing the kharita to have been a *bonâ fide* endeavour to obtain a change of Residents, the only answer that can be given to the question is that the sending of the kharita may have been suggested by Mr. Dadabhai Nauroji, by whom it was prepared, and who was of course ignorant of the poisoning scheme. The Gaekwar, it may be presumed, would have at once approved of the suggestion.

74. The course that the Gaekwar might have been expected to take, had he been innocent of complicity, was to at once hasten to Colonel Phayre and express his concern, and to make repeated inquiries after his health. He might have been expected to send a letter expressing his indignation at the occurrence and his extreme regret that his hospitality had been violated by so vile an attempt in his own territory. His feelings of dislike to Colonel Phayre might have been expected to make him doubly solicitous to put himself clear with the British Government in the matter. Instead of this, he holds back, and, after considerable delay, sends a cold and formal letter. This conduct could hardly be explained on any other supposition than that of his having instigated the act of poisoning. We are compelled to regard the Gaekwar's denial of such investigation as being unworthy of credence.

75. With reference to the suggestion which has been thrown out that Damodhar Punt may have set on foot the plot for poisoning Colonel Phayre in order to hide his own delinquencies, we observe that there is no evidence to show that Damodhar Punt had been guilty of any act which he desired to conceal from the Gaekwar, or that he had any motive for desiring Colonel Phayre's death or removal from Baroda. It is not shown that Damodhar Punt had embezzled any of his master's property. His answer to the enquiry how he could justify himself with the Gaekwar in regard to the sums devoted to payments for secret service seems to us to be sufficient, *viz.*, that the receipt of the payee was affixed to the order for payment, although the order was so framed as to hide the real nature of the transaction. The only exception to this rule that has come to our notice is in the case of the Exhibit T1. But, even supposing that Damodhar Punt had been guilty of malversation, it is unreasonable to suppose that he was not perfectly well aware that it was beyond the scope of Colonel Phayre's power to make any inquiry into the transactions which he conducted in his capacity of Private Secretary to the Gaekwar.

76. A further suggestion has been raised that Bhau Poonekar, who may be admitted to have been unfriendly to the Gaekwar, got up the appearance of an attempt to poison Colonel Phayre, in order to bring the Gaekwar to trouble, or to prevent the removal of Colonel Phayre.

This suggestion might have been deserving of some consideration, had the attempt been a feigned attempt; but in point of fact the attempt was made with every intention of its being successful, and it was only the accident of Colonel Phayre failing to drink the whole of the sherbet on the 9th of November that prevented a fatal result.

77. Regarding the case from every point of view, we are unable to find any sufficient reason which would justify our declaring the Gaekwar not guilty of the offences imputed to him.

78. The Maharajas of Gwalior and Jeypoor and Raja Sir Dinkur Rao do not occur in the view we have taken of this case. We have considered the reasons for their opinions as contained in the separate reports which each of those Members of the Commission has

rendered. We believe that the evidence, after making every reasonable allowance on the score of the character of the witnesses, proves—

1st.—That an attempt to poison Colonel Phayre was made by persons instigated thereto by Mulhar Rao, Gaekwar.

2nd.—That the said Mulhar Rao, Gaekwar, did by his agents and in person hold secret communications with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.

3rd.—That the said Mulhar Rao, Gaekwar, caused monies to be given to some of those servants.

4th.—That his purposes in holding such communications and causing such monies to be given were,—1st, to obtain information of what passed at the Residency relating to himself and the affairs of his State; and, 2nd, to cause injury to Colonel Phayre by means of poison.

R. COUCH.
R. J. MEADE.
P. S. MELVILL.

Bombay, 31st March 1875.

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OPINION of HIS HIGHNESS the MAHARAJA JEEAJEE RAO SCINDIA ALIJAH BAHADOOR, G.C.S.I., in the case of the MAHARAJA MULHAR RAO GAEKWAR of BARODA.

As to the attempt at poisoning, from the whole case as it came before me, as far as my judgment and belief go, I am not convinced that the charge is proved against Mulhar Rao.

There appears to me no sufficient proof of the purchase of diamonds, arsenic, or copper, or document, signed by the Gaekwar for the payment of monies, for the above purposes, but Damodhar Punt's statement. Nor indeed is there any paper whatsoever, signed by the Gaekwar, involving him in this matter.

Out of a large number of persons connected with this case, only three witnesses,—Raoji, Narsu, and Damodhar Punt,—have given their evidence in reference to the above charge. All these widely differ in their statements; and the reasons are given in the proceedings. How could they be considered trustworthy? The evidence of Pedro, the butler, and Abdulla, and the non-production of Salam, Yeshwant Rao, Khanvelkar, Gujaba, Nurudin Borah, and the Hakim, are in favour of the accused. Further, it is far from my belief, that the measures for poisoning should have continued so long a time, and in so open a manner.

Such an act is performed by one or two confidentials, and not by such a large number of people.

Now, when a small quantity of poison, once administered, could put an end to a man's life, there appears to be no reason why it was given and drank so repeatedly. I see no grounds to reject the chief arguments of the able gentleman Serjeant Ballantine. It is a fact worthy of consideration that Mulhar Rao made no hesitation whatsoever in handing over Salam and Yeshwant Rao at once to Sir Lewis Pelly, and expressed his desire to give him every assistance in his power.

As regards the communication with servants night or day, this is no matter of importance. These visits and requests for presents on marriage and other festive occasions, and the means to secure the favour of the Resident, as well as the procuring of information regarding each other, are matters in accordance with the practice of other Native Princes and persons who have connection with the Residency.

In conclusion, I remark that the chief points for enquiry are—

1st.—Attempt to poison.

2nd.—Tampering with the servants.

My opinion on the above subjects I place before you.

Vernacular signature of His Highness
the Maharaja of Gwalior.

Bombay, 27th March 1875.

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OPINION OF HIS HIGHNESS the MAHARAJA of JEYPOOR, G.C.S.I.

After carefully considering the nature of the evidence placed before the Commission in regard to the offences imputed against His Highness Mulhar Rao Gaekwar of Baroda, I have the following remarks to submit.

The statements made by Amina Ayah and several other Residency servants establish the fact that sums of money had actually been given to the Ayah and to other servants of the Residency at different times, by order of His Highness the Gaekwar. These sums of money, however, do not appear to have been given out of any motives to tamper with the Residency servants for improper purposes, but simply as presents from the Gaekwar, and such as are generally given on occasions of marriage and national festivals.

With regard to the graver charge against the Gaekwar, Raoji Havildar states that he did put poison into Colonel Phayre's tumbler of sherbet, as the Gaekwar had instigated him to do, and that a packet of poison was handed over to him by Narsu. Narsu says he had received the packet from Salam, the Gaekwar's sowar, and that he made it over to Raoji Havildar. On the other hand, Damodhar Punt, the Gaekwar's so-called Private Secretary, states that the Maharaja had ordered him to procure arsenic and diamonds, and that he had instructions from His Highness to give the arsenic to Salam and the diamonds to Yeshwant Rao, the Gaekwar's

Jassoos. Salam and Yeshwant Rao, who, according to Damodhar Punt's statement, are to be regarded as the connecting links between himself and Narsu in the above affair, were not produced before the Commission, and there is no means of ascertaining whether they made any statements on the subject before the Bombay Police. Further, there is no evidence as to their having conveyed packets of poison from Damodhar Punt to Narsu, excepting the bare assertions of the two accomplices—Damodhar and Narsu.

Damodhar Punt's statement, as to his having procured arsenic and diamonds, is not confirmed by any corroborative evidence. He says the diamonds were procured through Nanaji Vithal, Darogah of the Gaekwar's jewel department. Nanaji, it is stated, purchased them from Hemchand Fattehchand, the jewellers; but Hemchand declared before the Commission that diamonds were not purchased of him, though he had submitted some for inspection. These, he says, were returned to him by Nanaji. Antmaram, who is a Karkoon in the Gaekwar's State jewel room, also stated before the Commission that the diamonds tendered by Hemchand were not approved, and therefore returned to him.

Nurudin Borah from whom arsenic is said to have been procured was not brought before the Commission. It was however admitted by Akbar Ali Khan Bahadur of the Bombay Police in the course of his cross-examination by Serjeant Ballantine that the Borah was kept in confinement. It is therefore to be inferred that the Borah was far from confirming Damodhar Punt's statement with regard to the purchase of arsenic.

The several *yads*, or official memoranda, produced before the Commission out of the records of the private office under Damodhar Punt, do not show any specific sums of money having been paid for diamonds, or for poison of any kind. The sums mentioned in the *yads* were for giving feasts to Brahmins and other charitable and useful purposes. There is sufficient evidence also to prove that these sums were actually spent in such purposes.

Damodhar Punt also mentions a bottle containing some poisonous liquid, prepared of "large "ants, snakes, and the urine of a black horse." This poisonous liquid, according to Damodhar's statement, was prepared by a Hakim, and sent to Damodhar's house through one Gujaba, a servant of Khanvelkar, the Maharaja's brother-in-law. Neither the Hakim nor Gujaba was placed in the witness-box, so it is unknown what these men had to say. It appears from the above circumstances that there is hardly any statement of Damodhar Punt with regard to purchase of poisons that has any ground to stand upon, excepting Damodhar Punt's own evidence.

Copper is also mentioned has having been one of the poisonous ingredients put into Colonel Phayre's sherbet, but no clue whatever can be obtained as to who introduced it into the tumbler of sherbet, nor is it detected by the analyses of Doctors Seward and Gray.

The three witnesses, Damodhar Punt, Raoji, and Narsu, whose testimony is considered to form the basis of this grave charge against the Gaekwar, are accomplices, and their evidence is not corroborated by a single respectable witness, nor is their evidence altogether free from suspicion of falsehood. Moreover, two of these accomplices made their statements under promise of pardon. In consideration of all these circumstances, I know not what degree of importance to attach to their evidence.

No documentary evidence, or evidence of a convincing nature, was forthcoming from Damodhar Punt, notwithstanding his position as Private Secretary to the Gaekwar and the command he had over the records of the Maharaja's private office.

Raoji and Narsu, the other two accomplices, who state they had direct intercourse with the Maharaja, and they were asked by his Highness to poison Colonel Phayre, contradict each other in some important points. For instance, Raoji states that the Gaekwar had promised to give him, as well as to Narsu, a lac of rupees each for poisoning Colonel Phayre. Narsu, on the other hand, expresses utter ignorance of any such promise having been made by the Gaekwar. Another important statement of Raoji is strongly contradicted by Pedro, and Raoji states, that packets of poison were given to Pedro and others by the Maharaja, and, while Pedro stoutly denies what Raoji alleges, no clue can be obtained as to who the others were.

Besides the above circumstances, the facts elicited by Serjeant Ballantine in the course of cross-examination of the witnesses, as well as the features of the evidence pointed out by that gentleman, are, in my estimation, weighty and deserving of consideration.

For reasons stated above, I cannot persuade myself to believe that the Gaekwar was in any way implicated in the charge, notwithstanding the fact of poison having been found in Colonel Phayre's tumbler of sherbet, and the uncorroborated evidence of the three accomplices —Raoji, Narsu, and Damodhar Punt.

RAM SING.

BOMBAY, 27th March 1875.

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OPINION of RAJA SIR DINKAR RAO, K.C.S.I.,—dated Bombay, the 26th of March 1875, in the case of MAHARAJA MULHAR RAO GAEKWAR of BARODA.

As to the attempt at poisoning, from the whole case as it came on before me, I am not convinced, as far as my judgment and belief go, that the charge is proved against Maharaja Mulhar Rao. No proof of the purchase of diamonds, arsenic, or copper, or of the preparations of the poisons, no use of money (even of a rupee) in regard thereto, and no document in the handwriting of the Maharaja or other papers about the poisons, although his Private Secre-

tary, Damodhar Punt, became against him. Out of a large number of persons connected with the case, only three witnesses, *viz.*, Raoji, Narsu, and Damodhar Punt, have given their evidence in reference to the above charge. All these three differ in their statements. Damodhar Punt's statement as to the purchase of diamonds is disproved by the evidence of Hemchand and Atmaram. He stated that he had not opened the packets to see the diamonds and arsenic. Damodhar's name has not been mentioned either by Raoji or Narsu. It is stated by Damodhar Punt himself, that he made his statement owing to the troubles he suffered from his having remained in the custody of European soldiers for sixteen days, his object being to get himself rid by making statements of some kind. The statements of Raoji and Colonel Phayre differ with regard to the putting in of the poison on the alleged dates. Raoji states, that he got the bottle from the Maharaja, while Damodhar states that he gave it to Salam. Again, Raoji says that he put the packets into his belt, while Damodhar deposes that, in order to burn the packets, Salam ran to Raoji's house, where Raoji also followed. Raoji further says that the Maharaja gave the packets to "Pedro, me, and others." Pedro has entirely denied to have received any packets. Who and how many men were the "others?" Raoji states that the Maharaja promised to pay a lakh of rupees each, while Narsu denies this. From Raoji's statement it appears that he got the bottle about a month and a half before the 9th of November, whereas, from what Narsu has stated, it seems that the bottle was got only a few days before that date. Narsu says "all the other servants caused Faizu's "name to be written down in the depositions, and I did the same, though I knew it to be false." The three witnesses having become against their masters, and two of them having been granted a pardon, how could their statements be considered to be trustworthy? The evidence of Pedro, the butler, and Abdulla, the sherbet-maker (the Residency servants), and the non-production of Salam, Yeshwant Rao, Khanwelkar, Gujaba, Nurudin Borah, and the Hakim, are in favour of the accused. Further, it is far from belief that the measures for poisoning should have continued for a long time, and in so open a manner. Such an act is done by one or two confidentials, and not by a multitude, and when a small quantity of poison, if once administered would put an end to a man's life, there appears to be no reason why it was given and drunk so repeatedly. These with other particulars are developed in the proceedings, and the chief arguments of the able gentleman, Serjeant Ballantine, are deserving of consideration.

As regards the communication with servants at night or day, it is not an important matter. Their visits and requests for presents on festive and marriage occasions, &c., and the means used to secure the favour of the Resident, as well as the procuring of informations regarding each other (the Prince and the Resident), are matters in accordance with the practice of the other Native Princes and persons, who have connection with the Residency.

In conclusion, I beg to submit, that the chief points for enquiry being the attempt at poisoning, and communication with servants, I have expressed my opinion on them as above.

DINKAR RAO.

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No. 85 of 1875.

GOVERNMENT of INDIA, FOREIGN DEPARTMENT,

POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS, Simla, the 22nd April 1875.

IN our despatch No. 80 of the 15th instant, we reviewed the transactions relating to the State of Baroda during the last two years. We informed your Lordship that, having carefully considered the opinions of the Commissioners who were appointed to investigate into the truth of certain imputations against His Highness Mulhar Rao, Gaekwar, and to afford His Highness an opportunity of freeing himself from the grave suspicion which attached to him of having instigated the murder of Colonel Phayre, we had arrived at the conclusion that the evidence was sufficient to sustain the truth of those imputations.

2. We expressed our opinion that, even if we could have honestly concurred in the opinion of those Commissioners who considered that the imputations were not proved, there must still remain a most grave suspicion attached to Mulhar Rao, which, coupled with his character and antecedents, would, in our opinion, make it impossible to replace him in power. We recommended, therefore, that he should be deposed and placed in restraint within British territory on a suitable allowance to be provided from the Baroda revenues. We expressed our opinion that the fittest member of the Gaekwar House should be selected in the room of Mulhar Rao, and that Jumnabace, the widow of the late Gackwar, Khunderao, should be permitted to adopt the person who might be so selected. We added that, in appointing a successor to Mulhar Rao, it was desirable that no

alteration should be made in the relations between the British Government and the State of Baroda.

We have since received a reply by telegraph to the message to your Lordship, in which we had previously embodied those recommendations.

3. Her Majesty's Government have decided, upon our recommendation, that Mulhar Rao, Gaekwar, together with his issue, shall be deposed from the Sovereignty of Baroda, and have approved of all the proposals which we made for the re-establishment of a Native administration in that State. Her Majesty's Government, however, have resolved that, as the Commissioners were divided in opinion with respect to the guilt of Mulhar Rao, his deposition should not be based, in the Proclamation to be issued, upon the enquiry and report of the Commission, but upon general grounds. Your Lordship added that, in the opinion of Her Majesty's Government, it was most desirable that the name of the person selected to succeed Mulhar Rao should appear in the same Proclamation in which his deposition might be announced.

4. We carefully considered the manner in which these instructions might best be carried into effect, and we have the honor to enclose a copy of the Proclamation which we have issued, and which we believe to be framed entirely in accordance with the intentions of Her Majesty's Government.

5. Upon one point only we have been unable to comply with the desire of Her Majesty's Government. Greater difficulties than we anticipated have arisen in respect to the selection of a suitable successor to Mulhar Rao. Doubts as to the legitimacy of one branch of the family have still to be solved, and, moreover, the selection of the individual who would be most likely to prove a good Ruler of the State of Baroda requires considerable deliberation. The enquiries which were necessary must soon have disclosed the decision of the Government to depose Mulhar Rao. We had been informed by Sir Richard Meade that, if it was announced in the Proclamation that Jumnabaee would be permitted to adopt a person selected by us to succeed to the Sovereignty of Baroda, the delay in making the selection would not be likely to do harm. We, therefore, considered that the inconvenience of delay in announcing the decision of Government upon the disposal of Mulhar Rao would be greater than any that was likely to be caused from the selection of his successor not being announced in the same Proclamation as his deposition. We regret the necessity for this delay, for we entirely agree with Her Majesty's Government that it would have been better if all the arrangements could have been announced at the same time.

6. We are well aware that the necessity for prompt action rendered it impossible for Her Majesty's Government to await the receipt of the evidence and reports of the Commission before deciding upon the course of action which should be adopted in dealing with Mulhar Rao. The fact before Her Majesty's Government at the time was that the Commissioners were equally divided in opinion whether Mulhar Rao had been proved to have instigated the attempt to poison Colonel Phayre. Although the opinion of those Commissioners who considered that Mulhar Rao's guilt was proved was supported by the Government of India, we can well understand that Her Majesty's Government, in accepting the responsibility of directing the deposition of Mulhar Rao, should have desired to abstain from expressing any opinion upon the enquiry until they were in possession of the full materials for forming a deliberate judgment. We are confident, however, that when Her Majesty's Government have had under consideration the evidence which was laid before the Commission, the reports of the Commissioners, and the Resolution which we have recorded on the subject, they will agree with us that the views set forth by the three Commissioners who did not consider Mulhar Rao's guilt to have been proved are not sustained by the evidence.

7. In making our recommendations, we were fully alive to the fact that the absence of unanimity amongst the Commissioners increased the difficulties of dealing with the case, but we did not consider that the circumstance of an equal division of opinion rendered it obligatory upon the Government of India to give the accused party the benefit of the doubt, as would have been the case in an ordinary criminal trial.

8. The proceedings of the Commissioners were not intended by us to be of a strictly judicial character, as is apparent upon the face of the public instructions which they received. It was their function to examine into the evidence, and to report their opinions upon it; but we held it to be our duty to express a final decision upon the issues which were laid before the Commissioners; and we should

not have supported the opinions of a majority, or even of the whole body, unless we had considered that those opinions were sustained by sound and solid arguments based upon sufficient evidence.

9. The enquiry into the share of the Gaekwar in the attempt to poison Colonel Phayre differed materially, not only in form, but in substance, from an ordinary criminal trial. Little or no public injury is entailed when an ordinary offender is restored to freedom after a trial which, although resulting in his acquittal by a jury, leaves him under a suspicion of guilt, or, in the terms of Scotch Law, with a verdict of "not proven." But the case of Mulhar Rao was different. He was the Sovereign of a large territory, and, if restored to power, would have again become responsible for its government. The Government of India have intimate relations with the Baroda State, for the proper conduct of which it is essential that we should be able to communicate with the Gaekwar in terms of confidence and friendship. This would have been impossible so long as Mulhar Rao lay under grave suspicion of being concerned in a cowardly and atrocious crime, not against an ordinary individual, but against the Representative of the British Government, whose functions invested him with the sanctity which, from the earliest history of the world, has been attached by all nations to the person of Ambassadors.

10. Although we have no desire to depreciate the value of the opinions expressed by Maharaja Scindia, the Maharaja of Jeypore, and Raja Sir Dinkur Rao, we cannot hesitate to affirm that the conviction of Sir Richard Couch (the Chief Justice of Bengal), Sir Richard Meade, and Mr. Philip Melvill, that Mulhar Rao was guilty, coupled with the unanimous opinion which we have expressed to the same effect after a careful and prolonged review of the case, must leave Mulhar Rao under a grave suspicion of having instigated the murder of Colonel Phayre.

11. We had already contemplated in our deliberations the possibility, and even the probability, that the Commissioners might be divided in opinion, or that they might not be able to arrive at any very positive conclusions, and it was our deliberate opinion that only in the event of Mulhar Rao having been able to clear himself fully from the suspicion which attached to him should he be restored to power, and that, if in our judgment he was not fully cleared, he should be deposed from the Sovereignty of Baroda. Our opinion to this effect was communicated to your Lordship by telegraph on the 15th of March. We had, therefore, no hesitation in arriving at our conclusions after the receipt and consideration of the divided report.

12. Under the instructions received from Her Majesty's Government, it became necessary in the Proclamation deposing Mulhar Rao to omit all reference to his complicity in the attempt to poison Colonel Phayre. We had no difficulty in accepting and carrying out these instructions, for we were thoroughly convinced of the substantial justice of deposing Mulliar Rao. The reasons upon which his deposition was to be based we considered to be a point of secondary, though doubtless also of great, importance. Moreover, the grounds upon which Her Majesty's Government have based their decision appear to us to be amply sufficient to justify the action which has been taken. We have reviewed Mulhar Rao's conduct since the report of Sir Richard Meade's Commission at the close of 1873, and we propose to transmit to your Lordship by the next mail a statement of the principal circumstances which have, in our judgment, greatly aggravated his previous misconduct. Several of the most serious of these circumstances have either occurred or been brought to our notice subsequent to the suspension of Mulhar Rao in January last.

13. In accordance with the 22nd paragraph of our despatch of the 15th of April, we have the honor to enclose, for the information of Her Majesty's Government, a copy of the Resolution which we have issued, containing our opinion upon the report of the Commission.

We have the honor to be, &c.

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PROCLAMATION.

TO ALL WHOM IT MAY CONCERN:

HIS Highness Mulhar Rao, Gaekwar, was suspended from the exercise of power, and the administration of the Baroda State was temporarily assumed by the British Government, in order that a public enquiry might be made into the truth of the imputation that His Highness had instigated an attempt to poison Colonel R. Phayre, C.B., the late Representative of the

British Government at the Court at Baroda, and that every opportunity should be given to His Highness of freeing himself from the said imputation.

The proceedings of the Commission having been brought to a close, Her Majesty's Government have taken into consideration the question whether His Highness Mulhar Rao, Gaekwar, shall be restored to the exercise of sovereign power in the State of Baroda.

The Commissioners being divided in opinion, Her Majesty's Government have not based their decision on the enquiry or report of the Commission, nor have they assumed that the result of the enquiry has been to prove the truth of the imputations against His Highness.

Having regard, however, to all the circumstances relating to the affairs of Baroda from the accession of His Highness Mulhar Rao, Gaekwar, to the present time, his notorious misconduct, his gross misgovernment of the State, and his evident incapacity to carry into effect the necessary reforms; having also considered the opinion of the Government of India that it would be detrimental to the interests of the people of Baroda and inconsistent with the maintenance of the relations which ought to subsist between the British Government and the Baroda State that His Highness should be restored to power, Her Majesty's Government have decided that His Highness Mulhar Rao, Gaekwar, shall be deposed from the Sovereignty of Baroda, and that he and his issue shall be hereafter precluded from all rights, honors, and privileges thereto appertaining.

Accordingly His Excellency the Viceroy and Governor General in Council hereby declares that His Highness Mulhar Rao, Gaekwar, is deposed from the Sovereignty of the Baroda State, and that he and his issue are precluded from all rights, honors, and privileges thereto appertaining.

Mulhar Rao will be permitted to select some place in British India, which may be approved by the Government of India, where he and his family shall reside with a suitable establishment and allowances to be provided from the revenues of the Baroda State.

Her Most Gracious Majesty the Queen, in re-establishing a Native Administration in the Baroda State, being desirous to mark her sense of the loyal services of His Highness Khunderao, Gaekwar, in 1857, has been pleased to accede to the request of his widow, Her Highness Jumnabaee, that she may be allowed to adopt some member of the Gaekwar House whom the Government of India may select as the most suitable person upon whom to confer the Sovereignty of the Baroda State.

The necessary steps will accordingly be immediately taken to carry into effect Her Majesty's commands. In the meantime, with the consent of His Highness the Maharaja of Indore, Sir Madava Rao, K.C.S.I., will at once proceed to Baroda, and conduct the administration of the State as Prime Minister, under instructions which he will receive from the Governor General's Agent and Special Commissioner at Baroda.

In conferring the Sovereignty of the Baroda State, no alteration will be made in the treaty engagements which exist between the British Government and the Gaekwars of Baroda, and the new Gaekwar will enjoy all the privileges and advantages which were conveyed to the Gaekwar of Baroda in the Sunnud of Earl Canning, dated the 11th of March 1862.

By order of His Excellency the Viceroy
and Governor General of India in Council,
C. U. AITCHISON,
Secretary to the Government of India.

The 19th April 1875.

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No. 1106 P.

RESOLUTION.

Read the following papers :—

1. Proclamation, dated 13th January 1875, suspending His Highness Mulhar Rao Gaekwar in order to enquire into the imputation that he instigated an attempt to poison the British Resident at Baroda.
2. Notification, dated 15th February 1875, appointing a Commission to enquire into the imputation.
3. Official notes of evidence and exhibits in the case (the vernacular documents being translated).
4. Printed notes of the arguments of Counsel.
5. Joint Report, dated 31st March 1875, and signed by Sir R. Couch, Sir R. Meade, and Mr. P. S. Melvill.
6. Separate opinion by Maharaja Sindia, dated 27th March 1875.
7. Separate opinion by the Maharaja of Jeypoor, dated 27th March 1875.
8. Separate opinion by Raja Sir Dinkur Rao, dated 26th March 1875.

1. The documents which are above-mentioned as read, and which are also appended to this Resolution, show the steps taken in the enquiry relative to the conduct of His Highness Mulhar Rao Gaekwar of Baroda, and it will not be necessary here to refer to the particulars shown therein, except for the purpose of elucidating the conclusion about to be expressed. The Princes and Gentlemen who have served on the Commission of Enquiry have completed their laborious task by submitting their several opinions on the case. It now remains for the Government of India to express the conclusions at which they have arrived after full consideration of the evidence, the arguments of Counsel, and the various opinions entertained by the Commissioners.

2. Sir Richard Couch, Sir Richard Meade, and Mr. Melvill are all agreed that the Gaekwar is guilty of the offences imputed to him. To repeat here the most heinous and comprehensive of those imputations, they find "that an attempt to poison Colonel Phayre was made by "persons instigated thereto by Mulhar Rao Gaekwar."

3. The Maharaja Sindia appears to assume that the existence of communications between the Gaekwar and the servants of the Residency, and also that the actual administration of poison to Colonel Phayre, are proved, though he does not expressly state those conclusions. But of the communications with servants he says, "as regards the communication with "servants night or day, this is no matter of importance. These visits and requests for "presents on marriage and other festive occasions and the means to secure the favour of the "Resident, as well as the procuring of information regarding each other, are matters in "accordance with the practice of other Native Princes and persons who have connection with "the Residency." And he thinks that the connection of the Gaekwar with the act of poisoning is not proved. His conclusion is thus stated: "As to the attempt at poisoning, "from the whole case as it came before me, as far as my judgment and belief go, I am not "convinced that the charge is proved against Mulhar Rao."

4. The Maharaja of Jeypoor thinks that it is proved that the Gaekwar gave sums of money to the Residency servants, and also that poison was administered to Colonel Phayre. Of the communications with servants he speaks thus: "The statements made by Amina ayah and "several other Residency servants establish the fact that sums of money had actually been "given to the ayah and to other servants of the Residency at different times, by order of His "Highness the Gaekwar. These sums of money, however, do not appear to have been given "out of any motives to tamper with the Residency servants for improper purposes, but simply "as presents from the Gaekwar, and such as are generally given on occasions of marriage and "national festivals." His Highness then proceeds to dwell upon various defects in the evidence, which will presently be noticed more at length, and concludes thus: "For reasons "stated above, I cannot persuade myself to believe that the Gaekwar was in any way impli-"cated in the charge, notwithstanding the fact of poison having been found in Colonel "Phayre's tumbler of sherbet, and the uncorroborated evidence of the three accomplices, "Raoji, Narsu, and Damodhar Punt."

5. The opinion of Raja Sir Dinkur Rao is almost identical with that of the Maharaja Sindia, and need not be stated more in detail here.

6. No one of the Commissioners suggests that the poison could have been administered by any other person than the Residency servant Raoji, aided by his superior Narsu.

7. If the matter were simply left to stand upon the opinions given by the Commissioners, it would follow that the Gaekwar, having had the opportunity afforded him to clear himself from the imputations made against him, has not cleared himself. Three out of the six Commissioners who have entered upon the enquiry are of opinion that he is proved to be guilty. Now, when three gentlemen, of great experience in the ways of this country and in weighing and drawing inferences from evidence, unite in an opinion condemnatory of a person into whose actions it has been their duty to enquire, and that opinion is not set aside by superior authority, it is impossible to say but that there must rest at least a grave suspicion on the person so condemned.

8. But the Government of India do not think it right to leave the matter as it stands on the reports of the Commissioners. The Commission was not a judicial tribunal, but was appointed for the purpose of informing the mind of the Government of India by enquiry and report. Even had the Commissioners been unanimous, the Government of India would have thought it their duty to examine the matter for themselves, to form and pronounce an opinion. As the Commissioners are at variance with one another, it is due to them, and to all parties concerned in the matter, that the Government of India should not only express their conclusions, but should also state the principal considerations which have led them to form those conclusions.

9. The opinions of the three Commissioners who have signed separate reports, the tenor of which has been stated, are founded partly on points of conduct or general improbabilities affecting the evidence given by the witnesses against the Gaekwar, and partly on special points of inconsistency or infirmity in the evidence itself. The Government of India will take the former class of considerations first. They propose to notice the main points of dispute, but not to give here a detailed narration of the body of the evidence, for which reference must be made to the documents contained in the Appendix.

10. In the first place then, it is to be observed that the intercourse which is proved to have taken place between the Gaekwar and the Residency servants was personal intercourse, carried on by night and in a secret way, and was accompanied by considerable gifts of money. This is proved by a number of independent witnesses, who speak directly to the facts, whose evidence is quite consistent upon the main points, was unshaken by cross-examination, and when it could be tested by reference to external facts, such as the character of the building to which they were taken, the recollections of the persons who took them there, and the recollections of the persons who were privy to the payment of money, was found to answer to the test. There is no counter-evidence on these points. Indeed, the Gaekwar himself does not deny the facts. He has put in a carefully worded statement in which he says not that he did not hold personal intercourse with, or that he did not cause money to be paid to, the Residency servants, but only that he did not do so for the purpose of getting information.

11. Neither is there any counter-evidence, nor, so far as the Government of India observe, any suggestion, to displace the assertion of Raoji that his hand administered the poison, which was administered to Colonel Phayre, or that of Narsu that he aided Raoji in that matter.

12. It appears then to the Government of India that the evidence establishes beyond the possibility of contradiction two cardinal points: first, that the Gaekwar was in personal secret communication carried on by night with five servants employed at the Residency, and that he gave money to Raoji, Narsu, and Amina, three of those servants: and secondly, that a serious attempt was made to administer a fatal dose of poison to Colonel Phayre by the agency of two of those servants, viz., Raoji and Narsu. And they do not collect that any one of the three Commissioners who have signed separate reports, means to dissent from either of these two propositions, though their assent has not been expressed in so many terms.

13. Now, the proof of these two points carries the case a very long way. The great difficulty at the outset was the antecedent improbability that such a personage as the Gaekwar of Baroda should carry on frequent secret personal intercourse by night with a number of the Residency servants. When it becomes clear that he did so, the only question is whether such intercourse is wholly disconnected with the acts which those servants did, or whether the acts were the designed outcome of the intercourse. And on this question the antecedent improbability is all the other way. No motive whatever has been assigned for the action of Raoji and Narsu, except the motive of earning reward from the Gaekwar. And it is much more probable that the two series of proved phenomena, which have been mentioned, should be connected as cause and effect, than that they should be wholly independent of one another.

14. It is indeed true that the three Commissioners who have signed separate reports treat the Gaekwar's intercourse with the Residency servants in a very light manner. Their opinions have been set forth above in paragraphs 3 and 4. But whatever the custom may be at other Native Courts, the Government of India think that these opinions must have been written without due consideration of the facts which actually appear in evidence against the Gaekwar.

15. There is no evidence of any general distribution by the Gaekwar of gifts among the Residency servants on marriage or other festive occasions, such as, if made in moderation, might be of an innocent character. The evidence shows that gifts were made only to certain servants with whom the Gaekwar sought personal intercourse, and that those gifts were, relatively to the position of the servants, of very large amount. For example, a single gift to Raoji amounted to about four times his annual pay. The evidence therefore points not to a mere desire on the part of the Gaekwar to gain the general goodwill and good offices of the Residency servants, but to an intention on his part to bribe some of them to the performance of important services.

16. Moreover, it is observable that the Gaekwar himself seems anxious to disconnect himself from the very practice which the passage quoted from the report of the Maharaja Sindia ascribes to him, while excusing it on the ground of its frequency, viz., payment of money in order to procure information. In his written statement the Gaekwar speaks as follows :—

"I declare that I never personally directed any of the Residency servants to act as spies on the Resident, or report to me what was going on at the Residency, nor did I ever offer or cause to be paid any money to them for such purposes.

"I say nothing as to the presents that may perhaps have been made to servants of the Residency on festive occasions, such as marriage and the like. Information on trifling matters going on both at the Residency or at my Palace may have been mutually communicated, but I did not personally hold any intercourse with those servants for this purpose; nor am I personally cognizant of any payments for the same having been made; nor did I authorize any measures by which secrets of the Residency should be conveyed to me."

17. There is yet further evidence that the payments made to the Residency servants were transactions not calculated to bear the light. No entries of such payments were found in the Gaekwar's private accounts. On the other hand there are a number of entries, ranging in time from the 24th November 1873 to the 13th October 1874, showing payments of large sums of money to Salam and Yeshwant Rao. The payments purport to be for goods supplied by those persons, but in point of fact the entries are false, and no such goods were supplied. Now Salam and Yeshwant Rao are the two confidential agents of the Gaekwar, by whose hands all the payments to the Residency servants were made. Here then are funds from which payments could be made for any species of secret service. The Gaekwar's Private Secretary, Damodhur Punt, says that the Residency servants were paid by means of such funds. He is no doubt a most justly suspected witness, but in this instance he is only stating the natural inference to be drawn from the document and circumstances, and he is not contradicted, as he might most easily have been had he spoken falsely.

18. The question now to be asked is whether the other evidence shows any connection, and if any, what connexion, between the two cardinal points already established,—on the one hand, the fact that the Gaekwar was in secret communication with some of the Residency servants and paid money to them; and on the other hand, the fact that two of those servants, viz., Raoji and Narsu, were the actual agents in administering poison to Colonel Phayre. There is undoubtedly evidence to this effect, of the most conclusive nature, if only it is to be believed. The great body of it is supplied by Raoji and Narsu themselves, and if they have not woven the most elaborate and marvellous tissue of falsehoods, they make it clear that the

proceedings of the Gaekwar, which began by bribing the servants to give secret information and to exercise influence in his favor, ended in direct machinations against Colonel Phayre's person.

19. Is there then any sufficient ground for disbelieving what these witnesses say? It is said that, whoever committed the crime, they are accomplices in it, and that by their own showing they are very wicked men, who have not scrupled to attempt the life of a kind master and to aid in throwing the blame on an innocent fellow-servant. That is quite true, and it must excite the greatest suspicion of their evidence and instil the greatest caution into the minds of those who examine it. At the same time, it must be remembered that direct evidence of nefarious plots is not often procured except from accomplices; and that to reject such evidence merely on account of the source from whence it comes, would be contrary to common sense and to universal practice, and would frequently prevent the discovery of truth. What is necessary in such cases is to apply to the evidence given such tests as are usually employed as the touchstones of truth, and to require the evidence to withstand the tests much more severely and rigidly than if it had come from an unsuspected source.

20. Throughout this case it is constantly to be borne in mind that there are proved facts which require explanation. If we find secret intrigue at one end, and action at the other end, of a series of transactions by the same persons, the presumption is that the two are connected, and their coincidence ought to be explained in some way. The Government of India then ask the following questions:—

(*a.*)—Is the explanation given by the witnesses credible in itself?

(*b.*)—Are the stories they tell consistent with themselves?

(*c.*)—Are those stories consistent with one another in essentials?

(*d.*)—When they mention external circumstances with which they can be confronted, are the stories essentially consistent with those circumstances? And are they essentially consistent with evidence given by independent witnesses?

(*e.*)—Have the witnesses any interest in telling the story they have told?

(*f.*)—Is any probability shown that they have colluded with one another?

(*g.*)—Is any probability shown that they have been tutored by some common authority?

(*h.*)—Was their demeanor under examination such as to induce a belief in their truthfulness, or the contrary?

(*i.*)—Has their evidence been boldly and confidently met by the party it implicates?

21 (*a*). There is nothing impossible or incredible in the stories told by these two witnesses; nor indeed, when the two cardinal points above-mentioned have been once established, is any particular related by them so improbable but that a reasonable amount of evidence may establish it. It may be asked why the Gaekwar, having secured the services of Raoji, should also seek to employ Narsu, and thus bring in an additional accomplice and an additional danger. It is often difficult to say why, in preparing a plot, a particular course has been taken instead of some other course which on review seems a more prudent one. But in this case an answer can readily be given. Raoji lived at the Camp. Narsu was in the city.

The latter, therefore, was a more convenient means of communication with the Palace. But what is more important is, that Narsu was Raoji's superior officer, and was usually in attendance in Colonel Phayre's verandah. It is clear, therefore, that Raoji would have run very serious risk of failure or detection if the jemadar Narsu were not first secured.

22 (*b*). The Government of India have failed to discover any material inconsistency in these stories as compared with themselves. A considerable period of time elapsed between the earliest statements of the witnesses and their latest. They were subjected to a rigid cross-examination by a Counsel of the greatest skill. And yet they have not contradicted their first evidence on any essential point. They are uncertain as to dates, but every person who has to deal with the natives of this country, at all events the uneducated ones, knows how hopeless it is to expect accuracy in such matters from them, and what a complete denial of justice there would be throughout the land if testimony was considered incredible on account of such inaccuracies. Raoji shows that he was vacillating in conduct, but that is not at all inconsistent with what we know of men working themselves up to commit wicked actions. There are also portions of his story which are obscure, as for instance the episode of the bottle, which he says he obtained from the Gaekwar, but which he did not mention in his first statement. But the substance of the story originally told by each witness remains intact. The secret interviews, the persons who were present at them, the receipt of money, the requests made by the Gaekwar to poison Colonel Phayre, the conveyance of the poison from the Gaekwar to Raoji, the deposit of it in Colonel Phayre's sherbet on the 9th November—all these things stand as they did in the first instance. Nor do the Government of India observe that the three Commissioners who have signed separate reports mention any contradiction of these two witnesses by themselves.

23 (*c*). Equally certain is it that in the essential points the stories of the two witnesses are consistent with each other. They differ in particulars; but if they did not, they would justly be suspected of collusion. They differ as to dates, a point which has been before remarked on; they differ as to the number of visits paid by them to the Gaekwar; they differ in many expressions; and they differ when one purports to state something that happened to, or was done by, the other, and to which the narrator was no immediate party. The Government of India entirely agree with the opinions expressed by the three Commissioners in paragraphs 34 and 42 of their joint report, respecting the discrepancies between Raoji and Narsu, and they

think that, so far from showing that the stories are false, those discrepancies serve to show the absence of collusion between the witnesses or of tutoring by the police.

24 (*d*). Again, the Government of India find an amount of consistency between these stories on the one hand and external circumstances and evidence on the other, which would be unlikely if the stories were not true. The witnesses are correct about the character of the building and room to which they say they were taken; the asserted payment of Rupees 500 to Raoji is proved to have actually taken place; the evidence of his companions, Jugga and Karbhai, corresponds with his statements about his visits to the Palace; the evidence of Jugga and the letter produced tallies with the assertion that information was actually sent by Raoji and Narsu to the Palace; the evidence of Jugga and Dalput corresponds with the circumstances mentioned by Raoji as attending the payment of the Rupees 500; the lavish expenditure of Raoji is consistent with his having received large sums of money from some quarter, and indeed was the main circumstance which fastened suspicion upon him and caused his arrest.

25. One piece of external evidence is of so remarkable a character that it deserves rather more detailed mention. On the 9th of November, when all Colonel Phayre's servants were put under examination, Raoji's belt of office was taken away from him and was hung up in a room. On the 15th of December the belt was given to another peon named Budhar. At that time nobody could anticipate the story that Raoji had to tell, or that he had any story to tell at all. He was arrested on the 22nd December, and made statements on the 24th and 25th. It then occurred to Akbar Ali, the head of the Bombay Detective Police, that there might be some trace of some of the powders spoken of by Raoji, and he asked him where he used to keep his packets of powder. Raoji said that he kept them in his belt. Budhar was sent for and came wearing the belt, which he had had in his possession ever since the 15th. Budhar gave the belt to Akbar Ali, and Raoji showed him where he kept the packets. Akbar Ali searched and found a piece of white thread and a packet of paper. He immediately called Mr. Souter, the Police Commissioner, who was in the next room, and Mr. Souter took out the packet of paper and opened it. The paper contained a white powder, which on being analysed was found to be arsenic. Dr. Gray states that in physical characters there are varieties of white arsenic, but that his examination of the powder taken from Raoji's belt enabled him to know that it was of the same character as the arsenic which was found in Colonel Phayre's sherbet.

26. Now up to this time Raoji had not stated anything about a powder remaining in his possession. He had made a statement in which he said that he had received powders on two occasions. On the second occasion he had received a single packet, the whole contents of which he put into Colonel Phayre's sherbet on the 9th November. On the first occasion he had received two packets, which he had mixed, and put into the sherbet on two or three days. When the packet was found in his belt, he recollected that he had not used the whole of one of the powders—a point which he further explained in his examination before the Commission.

27. Now the only explanation which is suggested of this corroborative circumstance is that the whole thing was a plot of the police—a point which the Counsel for the Gaekwar endeavoured to establish. But he could elicit no evidence in his favor, and the hypothesis is one which, if not impossible, is of the highest improbability. Why the police should have thought of producing a remnant of poison in the teeth of Raoji's statement that he had used the whole; why they should have put into the belt pure arsenic and not mixed arsenic and diamond dust, which was the material said to have been used; how they came to pitch upon the very quality of arsenic used to poison Colonel Phayre; how they could have secretly got it into the belt which Budhar had continuously possessed from the 15th of December till the moment of discovery; these difficulties and others besides must be explained before the hypothesis of a plot by the police can be made on even plausible grounds.

28 (*e*). Have then these witnesses any interest to tell the story they have told? Nobody has suggested that either of them has any enmity against the Gaekwar, or could gain anything by his downfall. Raoji, it is true, had an interest to tell some story, because he was promised a pardon for himself if he would speak the truth. But his interest was to earn his pardon, and therefore to tell a true story; or if he told a false one, his interest was not to tell one in which a number of other persons were mixed up by whom he could be refuted, nor one implicating a great personage with every means at his command for exposing the falsehood, but one carefully isolated from other persons and from specific circumstances, so as to afford the smallest possible opportunity for contradiction, and one implicating only meaner people who could not so well defend themselves. As for Narsu, he spoke at the peril of his life. He was expressly warned that he would not earn a pardon. His interest was to be silent, or else to tell a story in which he should not be one of the principal actors in the commission of the crime. The conclusion on this point must be that if the witnesses have spoken falsely, they have not spoken in accordance with their own interests, and that one of them has spoken directly against his own interest.

29. It might have been alleged that Colonel Phayre's strong feeling against the Gaekwar was well known to the Residency servants, and therefore that Raoji and Narsu might have supposed that their accusation of the Gaekwar would have been agreeable to Colonel Phayre. But it is to be observed that the accusation was not brought forward while Colonel Phayre was Resident at Baroda, and when the first enquiry was made by him. The evidence of Raoji and

Narsu implicating the Gaekwar was not given until Colonel Phayre had been removed from the office of Resident at Baroda, when no advantage could have been expected by them from his favour, This circumstance combines with others to show that the confessions of these men were not the outcome of any plot, but were due to their knowledge that enquiry had at length got upon the right track, and that they had better give themselves up.

30 (*f*). The suggestion of collusion is refuted both by internal and external evidence. If these stories were fictitious, agreed on by Raoji and Narsu, it is hardly conceivable that they would not, especially under the stress of a skilful cross-examination, betray evidence of their origin. They would be found jarring with one another on some essential point, in some irreconcileable manner, or else agreeing in such minute particulars as are always the subject of difference when related independently by different persons. But the inference drawn by the Government of India from their consideration of the points of resemblance and difference between the two stories has been before stated. As regards external evidence, it is stated positively, and nowhere contradicted, that Raoji and Narsu were kept apart from the first arrest of the former on the 22nd December; that neither was ever informed of the statement of the other; and that when Narsu was brought into Raoji's presence on the 23rd December, all that he was informed of Raoji's doings was by means of Raoji's statement that he had told all *up to his neck.*

31 (*g.*) But it may be suggested that the stories of Raoji and Narsu are due to their having been tutored by some authority to whom they were subject—in other words, that they were invented by the police. Indeed suggestions of this kind form a very prominent part of the argument delivered on behalf of the Gaekwar. The Gaekwar's Counsel attacked the characters of the police, from Mr. Soutar downwards, using even the expression that they had applied torture to the witnesses; and repeatedly sought to deliver himself from the difficulties of the evidence by attributing its origin to the police. The sole evidence which he was able to elicit in support of these attacks was that of the witness Hemchund, who was called with reference to a minor part of the case, viz., the purchase of diamonds. He was one of the witnesses who were not kept under arrest, and by his evidence before the Commissioners he contradicted his original statement made to the police. To justify his contradiction, he said that his original statement was made under compulsion by Gujanund Vithul, one of the police officers, who even forced him to make a false entry in his books. Of this witness Hemchund, the three Commissioners who signed the joint report say, that he contradicted himself violently, and that no reliance can be placed on his evidence generally. When before the Commissioners, he denied his own signature, and falsely pretended not to understand any Hindustani, or even to know that such a language existed. The three Commissioners disbelieve that the compulsion he speaks of was put upon him. So do the Government of India. It is sufficient here to say that his original statement was not taken down by Gujanund Vithul, but by Mr. Souter, and that two days afterwards it was signed by Hemchund in the presence of Sir Lewis Pelly, and that he made no remonstrance to either of those gentlemen, though he must have known at least Sir Lewis Pelly would afford him as complete and instant protection from Gujanund Vithul as the Commissioners themselves would. This circumstance, coupled with the patent mendacity of the witness and his eagerness to disconnect himself from every portion of the case, compel the Government of India to say that his evidence must be wholly set aside.

32. But when Hemchund is set aside, there remains no evidence at all to support the suggestion that the police have invented any part of the story told by Raoji and Narsu, or drilled the witnesses. Why they should think of inventing such a story is not easy to understand, for they certainly could not suppose that by doing so they were doing any welcome service to the Government of India. Mr. Souter, Akbar Ali, Abdool Ali, and Gujanund Vithul are all men distinguished in the service of the Bombay Government. Mr. Ballantine could elicit nothing to their discredit in cross examination, though in the case of Gujanund Vithul he was instructed to make the attempt. All were acting under the instructions of Sir Lewis Pelly, who would have taken instant and severe notice of any species of unfairness. From the time of his arrest Narsu was not under the custody of the police, but under a military guard. There is no evidence whatever to show that the police had such access to them as would have rendered it possible that an elaborate plot could have been successfully concocted and the witnesses instructed for their performance before the Commission. Moreover, the same, internal evidence which bears against the theory of collusion between Raoji and Narsu, bears equally against the theory of invention by the police. Under these circumstances, the Government of India think it a matter of moral certainty that the stories told by Raoji and Narsu were not the inventions of the police. They wish to express their concurrence in the remarks which fell from the Advocate-General of Bombay on this subject. And they add that the great reliance placed by Mr. Ballantine on the resource of attacking the police unsupported as his attacks are by any evidence, is to their minds a strong proof of the weakness of the case he had to support.

33 (*h*). As regards the demeanor of these two men under examination, the Government of India find no suggestion even from the Gaekwar's Counsel that it told against them, while the three Commissioners who have signed the joint report have put it on record that Narsu's manner impressed them favourably. He certainly was urged most powerfully by Sir Dinkur Rao, a gentleman of his own religion and one likely to have great influence with him; and the result of that urgency, so far as it can be gathered from writing, was such as to give a

strong impression of the man's sincerity. The Government of India subjoin here what passed, taking the account from the short-hand writer's notes, not because they are at variance with the official notes, but because the questions are given as well as the answers, and so it is shown in a more striking way how the witness was urged and how he insisted that there was but one truth, and that was the truth which he had told:—

"By Sir Dinkur Rao—You are a servant of thirty-four years. Have you been in the habit of visiting the Maharaja from the time of the previous Commission or before?—From the time of the previous Commission I visited the Maharaja, but not previously. I never used to go before Khunderao except in Kutcherry with the Sahib.

"Have you never gone to the Maharaja Khunderao's to ask for Dusserah presents?—Some minor Sirdars used to give presents, but it was not customary for the Durbar to give presents. The Dewan Rao Sahib used to give directly, but there was no such custom in the Durbar.

"When the Maharaja instigated you to poison, this was a very bad thing. Did you make arrangements for the support of your family?—I did nothing. He said merely by words what was said through Raoji.

"The Advocate-General objected to the interpretation. He said that what the witness said was: 'He gave me a verbal assurance.'

"Mr. Melvill—What the witness really said was, 'He relied upon what the Maharaja said.'

"Sir Dinkur Rao—It is a very serious thing to poison one. Would anybody do such a matter in the presence of ten or twelve persons?—There were not ten persons. There were two of his servants and two of ours.

"Was the quantity of poison used small or large, and was it administered three times?—In my life I have not given any poison. A packet was given to me, and I was told to give it to Raoji, and I gave it to him. The arrangements as to how much to use and not lay with Raoji.

"What servants said that accusations should be made against Faizu?—No one said so. They mentioned his name in the statements, and therefore I also caused it to be written.

"Who mentioned his name?—Abdoola, Pedro, and the Hamals—five or six persons altogether.

"At the first meeting the Maharaja called you a rogue. How then did he come to trust you in such a serious matter?—Raoji, Salam, and Yeshwunt Rao took me and they assured the Maharaja.

"Are you a Hindoo?—Yes.

"What is your caste?—A Telingan Camatee.

"Are you afraid of the Police?—Why? Why should there be fear for speaking the truth.

"Do you yourself believe that you are guilty?—It is my bad luck; I also am concerned.

"If you were granted a pardon, would you in the presence of God tell the truth?—It is not because I may get a pardon that I tell the truth. Whether or not the Sirkar gives me a pardon, they are my parents.

"Mr. Melvill—That is not a correct interpretation. What the witness said was: 'If I were 'offered a pardon, I would speak the truth. I am speaking the truth now.'

"(Question repeated.)

"Witness—I know nothing more than this, which is true.

"The President—Sir Dinkur Rao's question, as I understand it, was, whether if the witness were offered a pardon he would tell a more truthful statement than he is now giving. Repeat that question.

"(Question repeated by Interpreter.)

"Witness—What was truth I have said. Beside that there is no other truth. The Sirkar may kill me if they like.

"By Sir Dinkur Rao—You have served a person thirty-four years, against whom you have done basely. Now, as you, if you were in the presence of God, state the truth. Do not be afraid. Whatever is in your mind state it without fear in the presence of God?—I have stated without fear what I had to say.

"The President (to interpreter)—Put the question in this way: 'In the presence of God 'will you tell the truth?'

"(Question repeated by Interpreter.)

"Witness—In the presence of God I have stated what was the truth. I have not stated an untruth. I have stated the truth.

"Witness then retired."

34 (*i*). It remains to ask how the evidence of these men has been met on the part of the Gaekwar. The answer is that his advisers preferred to rely on discrepancies between witnesses, on their infirmities of memory, on improbabilities, and on attacks upon the agents of the Government, instead of bringing forward the persons who, if the charges against the Gaekwar were false, could at once disprove them by direct evidence. According to the stories told by Raoji and Narsu, as well as by the ayah Amina, and the several other witnesses who prove the secret interviews, there were two men, Salam and Yeshwant Rao, who intervened at every turn of the transactions. They were the confidential agents of the Gaekwar. It has been above shown (in paragraph 17) that they received large sums of secret service money. When arrested, these men were placed under a military guard, and were not in the hands of the police. It was stated by the Advocate-General of Bombay openly and without contradiction "that they have had no communication whatever with the police, and that since the

" arrest of His Highness his solicitors have been allowed the most unrestricted private " communication with them." They never volunteered any information as other accomplices did, and it was their strongest interest to assert the innocence of the Gaekwar. The legal advisers of the Government of India had no reason to believe that the interests of truth, as the evidence before them showed it to be, would be any way promoted by the examination of these men. But the Gaekwar was in a very different position. He knows of his own knowledge, though others can only infer from evidence, what the truth is: and he knows that it is known to Salam and Yeshwant Rao. According to his case the truth is that there was no plot in the palace against Colonel Phayre, and that Salam and Yeshwant Rao knew the fact as well as himself. Why then were not these men called upon to say what was at once the righteous thing and the thing most advantageous to themselves and to the master they served?—The reasons assigned by his Counsel are that " He (the Gaekwar) cannot tell, and " his advisers are unable to suggest with any certainty, whether these men are or are not " accomplices with Damodhur Punt," and " that they would have come out of a custody from " which nothing could be safe."- If the second of these reasons is meant to be an addition to the numerous suggestions of conspiracy by the Police, it is founded on an error in fact. Yet it can hardly have been meant to suggest that the military also are parties to a plot against the Gaekwar. But the reasons may be left to speak for themselves. The Government of India have no hesitation in saying that the refusal on the Gaekwar's part to call upon Salam and Yeshwant Rao to come forward to speak the honest truth, and to confound Raoji, Narsu, and the others, lends a strong probability to the truthfulness of the charges against him.

35. It is next to be seen what support the evidence of Raoji and Narsu receives from independent witnesses, so far as it relates to the actual instigation to poison. It must be remembered that so far it relates to interviews with the Gaekwar and the receipt of money from him, it has received ample support of this kind.

36. It receives some material support from the ayah Amina, an ignorant and timid witness, but one against whose truthfulness no imputation can be maintained. At her last interview with the Gaekwar, which was probably during the latter part of October, the subject of machinations against the person of Colonel Phayre was broached. It does not seem that poison was mentioned, and it is not clear, nor perhaps is it very material, whether or no the witness thought that poison was hinted at under the expression of a " charm " or of " some- " thing being given." What remains certain is that some physical operation on Colonel Phayre for the purpose of producing either a physical or a mental effect was spoken of, that Amina was thoroughly frightened, that she warned the Gaekwar not to make attempts against Colonel Phayre, for that if he did so he would be ruined, and that she went away and never returned again.

37. Amina is corroborated by her husband Sheikh Abdulla, who says that she told him on the following morning that the Gaekwar had enquired if anything could be given to those people to bring about a union between the hearts of himself and the Saheb, and that she had warned him against giving the Saheb anything to eat. By the expression "the Saheb" Colonel Phayre is meant.

38. Nor must the evidence of Damodhur Punt, the Gaekwar's private secretary, be forgotten. The position of this witness is very unsatisfactory, for he is by his own account a guilty accomplice, and he spoke under promise of pardon and, as he says, because he was weary of confinement. The three Commissioners who have signed the joint report have accordingly dealt cautiously with his evidence, which however they think to be probable in its essential points. The Government of India think it right to give the utmost weight to the drawbacks from this evidence, and not to use it except when it receives some support from other evidence. But after allowing full scope to doubts, they find a substantial correspondence between the story told by Damodhur Punt and those told by Raoji and Narsu, of which he was in ignorance; and in addition, there are two specific instances in which Damodhur Punte's story is corroborated by trustworthy extrinsic evidence.

39. First, Exhibit Z. is an undoubtedly genuine document, and that shows that, as early as the 4th October 1874, arsenic was wanted by Damodhur Punt for some purpose, and that he alleged it to be required by the Gaekwar. The arsenic was not given out, because a written order could not be, or at all events was not, obtained from the Gaekwar for the purpose. It is impossible to suppose that an allegation appearing on this document upon the 4th October was any part of a plot against the Gaekwar. Exhibit Z. requires some explanation, and none has been given except that of Damodhur Punt, viz., that the Gaekwar did actually order him to get some arsenic.

40. Secondly, Nanaji Vithal, the keeper of the jewels, a witness not implicated in the plot against Colonel Phayre, shows that, some little time before the 20th October, diamonds were wanted, not for any ordinary purpose, but, as was stated, for medicinal purposes; "to be made " ashes," as he says, " for medicine." He never knew of such a thing before. That the Palace accounts have been tampered with and falsified so as to conceal some transactions with diamonds about this time, is proved by Exhibit T1., as explained by the evidence of the Brahmin Rameshwar Moraji, and of Nanaji Vithal and his subordinate Atmaram. Again these phenomena require some explanation, and none is given except that of Damodhur Punt, viz., that the Gaekwar did want some diamonds for the purpose of making a poisonous powder.

41. With regard to the points to which a large part of the evidence of Damodhur Punt has been directed, viz., the proof of the purchase of arsenic and diamonds in particular quarters,

the three Commissioners who have signed the joint report think that the purchase of the former is probable and that of the latter is proved. The Government of India are unable to attach much importance to these points. It has never occurred to them that the Gaekwar could have had any difficulty in procuring as much arsenic and as many diamonds as he wished, nor do they suppose that their legal advisers would have spent any pains in procuring evidence on such points, only that Damodhur Punt volunteered information about them as part of the story he had to tell. But the evidence of Damodhur Punt was no part of the evidence laid before the Government of India on which they directed this enquiry, and which they were advised would, if unshaken, warrant conclusions against the Gaekwar.

42. The Government of India think it right now to notice in detail the reasons given by the three Commissioners who have signed separate reports, for thinking that the evidence given by the witnesses on the charge of poisoning is so far defective that it cannot be taken as proving the offence imputed to the Gaekwar.

43. The Maharaja Sindia says that out of a large number of persons connected with the case, only three witnesses, Raoji, Narsu, and Damodhur Punt, have given their evidence in reference to the above charge, and that all these widely differ in their statements. His Highness has, however, overlooked the evidence of Amina, which, as above shown, has an important bearing on this charge. As to the witnesses all differing widely in their statements, the Government of India hardly know what differences between Raoji and Narsu on the one hand, and Damodhur Punt on the other, are referred to. The differences between Raoji and Narsu do not, as above stated, touch the essential points of their story. The circumstance that there are only four witnesses, or even only three, to give direct evidence upon a particular charge, does not make the evidence incredible or even weak. It must stand the test of a rigid examination, and if it does, it is not to be rejected because the witnesses are not numerous.

44. The Maharaja then says that the evidence of Pedro and Abdulla (clearly meaning Abdulla the 17th witness) is in favor of the accused. Now the Government of India cannot see how the evidence of Abdulla bears upon the point at all. As for Pedro, he was inculpated by Raoji, and he denies all complicity in the plot. He therefore contradicts Raoji upon the one point of his own complicity, and with which of them the truth lies cannot easily be told. He says nothing to implicate the Gaekwar in the attempt to poison, but in no other sense is his evidence in favor of the Gaekwar. On the contrary, he confirms Raoji's evidence so far as it relates to intercourse between the Gaekwar and the Residency servants. He admits that he received money from the Gaekwar, not on the occasion of any festivity, nor for any apparent reason, unless it was an inducement to him to visit the Gaekwar, which he was urged to do by Salam but says that he refused to do.

45. Again, the Mahajara says that the non-production of Salam, Yeshwant Rao, Khanvelkar, Gujaba, Nurudin Borah, and the Hakim is in favor of the accused. There is a distinction to be taken between these persons. Nurudin Borah is a vendor of drugs, and Damodhur Punt alleges that the arsenic employed to poison Colonel Phayre was procured from him. Nothing is alleged against Nurudin Borah's innocence in the matter. The only point to which he could have spoken is the purchase or non-purchase of arsenic by Damodhur Punt. Now it has been above stated that this matter of the purchase of arsenic was a portion, but a very immaterial portion, of Damodhur Punt's statement. That statement was given in its integrity, and for what it was worth. His assertion that he purchased arsenic of Nurudin Borah is not sustained by any other evidence. Nurudin Borah should have been called upon to prove it if that had been material, and as he was not called, the Gaekwar is entitled to the benefit of the observation that the purchase has not been proved. Beyond that the non-production of Nurudin Borah does not affect the case.

46. The case is very different with respect to the other witnesses. It has been already shown how it stands with respect to Salam and Yeshwant Rao; that the inference from their non-appearance is that the Gaekwar, who knew exactly what they could truthfully say, was afraid of it. The same observations, though in a far minor degree, are applicable to Khanvelkar, Gujaba and the Hakim. These witnesses could only speak to the minor question of the procurement of the materials for poison. They were in intimate connection with the Gaekwar, and are all represented by Damodhur Punt as accomplices in the plot against Colonel Phayre. If he has spoken untruly of them, they might have most effectually contradicted him, and the Gaekwar knew whether or no they could do so.

47. Then the Maharaja Sindia feels a difficulty because the poison was given in small quantities, and the transactions extended over a long time. The first observation that occurs upon this is that the difficulty about the quantities applies also to any other theory which may be framed to account for the undoubted fact of the poisoning; for it is pretty clear that small doses must have been administered to Colonel Phayre before the large dose of the 9th of November. But the mode of operation is explained naturally enough by Raoji's fear of producing a sudden effect, which he thought would lead to his detection. The length of time over which the whole transactions extended is not very accurately ascertainable, because the beginning is not fixed; but, allowing the greatest latitude consistent with the evidence, the time extends over some six or seven weeks, and that does not seem a long time for a plan requiring much contrivance, the watching of opportunities, and an allowance for the failure of agents, such as Raoji states to have occurred twice with himself.

48. Then it is observed that there is no sufficient proof of the purchase of diamonds, arsenic, or copper, and no paper whatsoever signed by the Gaekwar, involving him in the matter. But

it has been already shown, in paragraphs 41 and 45, how unnecessary it is to prove any such purchase. And as for papers signed by the Gaekwar, it is not likely that any such papers should be forthcoming in such a case. Certainly the Government of India did not expect to find any.

49. The objections to the evidence which are felt by the Maharaja of Jeypoor and Sir Dinkur Rao, do not differ in principle from those felt by the Maharaja Sindia, and most of them have been already observed on, but a few additional details are given, in which it is thought that some important objections to the evidence are to be found.

51. The Maharaja of Jeypoor thinks it important that Raoji should have stated that the Gaekwar promised him and Narsu a lakh of rupees each, while Narsu only mentions indefinite promises of reward. Now, this is exactly one of those discrepancies which appear to the Government of India to preclude the supposition that the stories of these two witnesses are the result of collusion. The essential point is that a reward was promised. The nature of the reward may easily have been stated differently to, or have been understood differently by, each, especially as it is stated that both Salam and Yeshwant Rao took part in the conversation. But supposing the story to have been agreed upon between the two, or to have been invented by some third person and taught to the witnesses, it is very difficult to conceive that so obvious and simple a point as the promise of a lakh of rupees would not be dwelt upon, or that one so easy to remember would not have been faithfully reproduced when they came to deliver their evidence.

52. The Maharaja of Jeypoor points out truly that the yads produced out of the records of the private office under Damodhur Punt, do not show any specific sums of money having been paid for diamonds, or for poison of any kind. He proceeds as follows: "The sums mentioned in "the yads were for giving feasts to Brahmins, and other charitable and useful purposes. There is "sufficient evidence also to prove that these sums were actually spent on such purposes." The Government of India hardly know on what view of the evidence respecting the Exhibit T1., the general bearing of which has been stated above, this opinion of the Maharaja is based. To their apprehension, it is proved that a number of fictitious entries were made in the Gaekwar's accounts, in order to cover payments the nature of which it was desired to conceal. And it so happens that the particular payment now specified, viz., that payment for a feast to Brahmins mentioned in Exbibit T1., is the one whose false character is shown by the most unassailable evidence. For the Brahmin himself who is named in the entry as the recipient of Rupees 3,632-13-3 in December 1874, was called and proved that no such money was ever paid to him. He pointed out the difference between an entry of money really paid (Exhibit Y1.) and the false entry T1. And it so happens that the sum mentioned in T1., is the exact equivalent of the sums mentioned in Exhibits R1. and S1., and paid to Nanaji Vithal, the Superintendent of the Jewel Department.* It was evidently thought desirable to get rid of these sums by some false statement in the accounts. This entry then, which seems satisfactory to the Maharaja of Jeppoor, seems on the contrary, to the Government of India, to be one confirmation of the evidence of Damodhur Punt, as is stated above in paragraph 38.

* The three Commissioners who have signed the joint report have fallen into an arithmetical error on this point.

53. Again, the Maharaja of Jeypoor says that copper is mentioned has having been one of the poisons administered to Colonel Phayre, and that it was not detected by the chemical analysis. But that is not according to the evidence. All that appears on that subject is that Bhow Poonekar, speaking from mere hearsay, told Colonel Phayre that copper was administered.

54. The Government of India do not understand on what grounds the Maharaja of Jeypoor should say that there were no means of ascertaining whether Salam and Yeshwant Rao made any statements on the subject before the Bombay Police. If either the Gaekwar's Counsel, or the Commissioners themselves desired to ask any question on this subject, they certainly would have been answered both by the Police Officers and by the men themselves.

55. The only points added by Sir Dinkur Rao are some discrepancies with respect to dates, on which some general observations have before been made, and some comparisons between the evidence of Raoji and that of Damodhur Punt, in which, though the witnesses speak to different occurrences, and though it may be said that the two narratives when put together do not make up a complete whole, but leave something untold, the Government of India fail to see any contradiction at all.

56. The result then is that, notwithstanding the doubts entertained by the Maharaja Sindia and Sir Dinkur Rao, and the more positive opinion of the Maharaja of Jeypoor, the examination of the evidence by the Government of India leads them to concur with the three Commissioners who signed the joint Report, that it bears on its face a trustworthy character, and contains no such contradictions or obscurities as would justify them in disbelieving the witnesses on their own showing. Counter-evidence, it has been already stated, there is none; the Gaekwar's advisers have refrained from calling upon his agents to attest his innocence. His Counsel, at the close of his argument, boldly maintained that it was not for him to make out a case on behalf of the Gaekwar. The Government of India think differently. One of the main objects of the enquiry was to afford the Gaekwar an opportunity of freeing himself from the grave suspicion which attached to him. The Government of India think that it was for the Gaekwar's advisers to make out a case, if they could honestly do it, to rebut the strong evidence brought against him, and cannot see any ground for their refusal to do it, except their inability. Neither is there any counter-theory to explain the evidence before the Commission. It is true

that the Gaekwar's Counsel rather suggested than argued that Damodhur Punt or Bhow Poonekar might be the authors of the attempt to poison. But there is not a particle of evidence to support either suggestion, and both are justly dismissed in very brief terms by the three Commissioners who have signed the joint Report.

57. It is therefore with great regret that the Government of India are compelled to express their decided opinion that all the offences imputed to the Gaekwar previously to the enquiry have been sustained upon the enquiry, and that he did instigate Raoji and Narsu to administer poison to Colonel Phayre.

By Order of the Governor-General of India in Council,

(Signed) C. U. AITCHISON,
Secretary to the Government of India.

Simla, Foreign Department, Political.
The 21st April 1875.

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## No. 91 of 1875.

GOVERNMENT of INDIA, FOREIGN DEPARTMENT,

POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS, Simla, the 29th April 1875.

IN our despatch No. 85 of the 22nd instant we informed your Lordship that we had reviewed the conduct of Mulhar Rao since the report of Sir Richard Meade's Commission, and that we should transmit to your Lordship, by next mail, a statement of the principal circumstances which had, in our judgment, greatly aggravated his previous misconduct. We observed that several of the most serious of those circumstances had either occurred, or been brought to our notice, subsequent to the suspension of Mulhar Rao in January last.

2. Your Lordship will remember that Sir Richard Meade's Commission closed its proceedings on the 31st December 1873.

3. The first matter of importance connected with the conduct of Mulhar Rao after that date was his marriage with his mistress Luxmabaee. This marriage was, in every point of view, highly improper and discreditable to Mulhar Rao. Not only was the caste of Luxmabaee unsuitable, but her antecedents were of the most questionable character; indeed application was made to the Government of Bombay by a person who claimed Luxmabaee as his wife, and urged that her marriage with Mulhar Rao should be prohibited. In consequence of these circumstances the Resident, Colonel Phayre, was instructed by the Government of India not to be present at the marriage. Mulhar Rao was informed by Colonel Phayre that he had received these instructions, but he nevertheless addressed Colonel Phayre in exceedingly improper language on the 7th May, and subsequently forwarded a complaint to the Government of Bombay of Colonel Phayre's proceedings. The Government of India, on being made acquainted with what had taken place, observed that Mulhar Rao appeared from the correspondence to have acted in this affair with grave impropriety. We noticed with much dissatisfaction the tone of, and the expressions contained in, His Highness' letter of the 7th May to Colonel Phayre. We said that any repetition of such language would be very seriously noticed, and that the Resident should be instructed to report at once if at any time he should not be treated by the Gaekwar or his Ministers in a manner suitable to his position as the Representative of the British Government.

4. The next matter which came under our notice was the complaint made by Ruckmabaee, the youngest widow of Khunderao, Gaekwar, that her life was in danger in consequence of the manner in which she was treated by the orders of Mulhar Rao. We thought at first that her statements were exaggerated, and, being very reluctant to interfere in any differences between Mulhar Rao and the members of the Gaekwar Family, we simply requested the Bombay Government to instruct Colonel Phayre to take an opportunity of representing Ruckmabaee's complaints to Mulhar Rao, and of suggesting that it might be desirable, for the purpose of avoiding any misapprehension as to her treatment, that provision should be made for her away from his Palace. We, however, subsequently received a report from Dr. Lewis, the Residency Surgeon, who had seen Ruckmabaee, which entirely confirmed her complaints of the danger to her life which

might follow from a continuance of the treatment to which she had been subjected. Bearing in mind that Sir Richard Meade's Commission had reported that Mulhar Rao's "harsh and severe treatment of his predecessor's relatives" was "perhaps the greatest blot on his character," we thought it necessary to request the Government of Bombay by telegraph to address Mulhar Rao, acquainting him with Dr. Lewis's opinion, and saying that we considered the matter to be serious, and that we should hold Mulhar Rao responsible if, after the receipt of this opinion, Ruckmabaee suffered further injury by his refusal to allow her to quit the Palace. The wishes of the Government of India were then complied with; but it was very unsatisfactory that such a case should have occurred so soon after the enquiry before Sir Richard Meade's Commission when similar complaints had been, in the opinion of the Commissioners, established against Mulhar Rao.

5. Mulhar Rao's marriage with Luxmabaee aggravated the differences which previously existed between him and his Sirdars, and was followed by discreditable quarrels between them. The reports which we received from Colonel Phayre in the autumn of 1874, after making every allowance for Colonel Phayre's strong feeling against Mulhar Rao, showed that there was considerable danger of a breach of the peace taking place in consequence of the discontent of the Sirdars. Upon one occasion an appeal was made to Colonel Phayre for the use of troops in support of the authority of Mulhar Rao in a quarrel which appears to have had its origin in improper conduct on his part. The pay of the military classes was greatly in arrear, and the Sindhees and Arabs were fast getting beyond control, and might at any moment have burst forth into open rebellion. It is to be observed that it was proved, when Sir Lewis Pelly had assumed the direction of Baroda affairs, that there were ample funds in the hands of the Gaekwar for providing the arrears of pay.

6. About the same time a transaction was mentioned under the term of the "Premchund Roychund affair," into which we did not think it necessary to enquire minutely, but from which it was apparent that some discreditable intrigue was being conducted by, or under the orders of, Mulhar Rao for the purpose of attempting to bribe high officials at Bombay.

7. Your Lordship is aware that we were not satisfied with the manner in which Colonel Phayre had carried out his instructions at Baroda, and that we thought he did not show sufficient consideration to the Gaekwar in his communications and correspondence. We will, therefore, not dwell upon the highly adverse opinion which Colonel Phayre expressed on Mulhar Rao's conduct, and upon the misgovernment of the Baroda State. But Sir Lewis Pelly was an entirely impartial authority, and when he replaced Colonel Phayre in December last, he described affairs at Baroda as being in a very critical condition. Although assurances had been given from time to time by Mulhar Rao that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The condition of the cultivating classes was represented as desperate, owing to over-assessment of the land revenue, while the differences between the Sirdars and Mulhar Rao threatened a serious disturbance of the peace.

8. Now, it must be remembered that, although the authoritative advice of the Government of India to Mulhar Rao, in consequence of the report of Sir Richard Meade's Commission, was not given until the 25th July 1874, Mulhar Rao, on the 25th October 1873, when deprecating the appointment of Sir Richard Meade's Commission, had promised to introduce the necessary reforms in the administration of the State. He was at that time well aware of the complaints against him, and yet a year had elapsed without any substantial progress having been made.

9. Shortly after Sir Lewis Pelly's arrival, Mr. Dadabhoy Nowrojee, the Minister in whom Mulhar Rao professed to place confidence, and who, so far as we could judge, had been honestly desirous of reforming the administration, resigned office, and no explanation has been afforded to us of the reason for his resignation. It is true that Sir Lewis Pelly reported that the Gaekwar had professed his readiness to accept his advice, had indeed accepted it upon some points, and, so far as Sir Lewis Pelly could judge, was seriously desirous of reforming his administration. But, after what had occurred, little or no dependence could be placed upon those professions and acts. We have already observed in our despatch of the 15th April

last that, although we entertained some hope that Mulhar Rao might be induced to allow the administration of the State to be effectually reformed, we could place no confidence in his personal character.

10. It was at this period that the evidence was received with respect to the attempt to poison Colonel Phayre, which obliged us to suspend Mulhar Rao from the exercise of authority and to institute a Commission to enquire into that matter. The opinion entertained by Sir Lewis Pelly as to the general character of Mulhar Rao will be found in his letter of the 7th January last, and so unfavorable was that opinion that Sir Lewis Pelly recommended that he should then be deposed from power. Your Lordship is aware that we were unable to agree with that recommendation, but we mention it for the purpose of showing the unfavorable view taken by Sir Lewis Pelly of Mulhar Rao's character and antecedents.

11. During the time that Sir Lewis Pelly was charged with the administration of the Baroda State, several circumstances were brought to light which greatly confirmed the unfavorable view which had been previously taken of Mulhar Rao's conduct. The enquiries that were made respecting the attempt to poison Colonel Phayre naturally led to an enquiry into the circumstances of the death of Bhow Scindia in 1872, which, as your Lordship will recollect, was generally attributed to poison, and as to which some suspicion attached to Mulhar Rao. Depositions were taken before officers who had been charged by Sir Lewis Pelly with the duty. These depositions tended to confirm the suspicion that Bhow Scindia was poisoned, and there was some idea at the time of taking legal proceedings in the matter. We thought, however, it would not be fair to Mulhar Rao to take any steps of the kind pending the report of Sir Richard Couch's Commission. Again it appeared in the course of the enquiries, which had been carried on at Baroda connected with the attempt to poison Colonel Phayre, that a man of the name of Govind Naik had met with his death in a manner to induce Sir Lewis Pelly to state his belief that Mulhar Rao either gave himself, or caused to be given, orders by virtue of which a system of torture was put in force under which Govind Naik finally succumbed. In this case also formal depositions were taken which led to the conclusion stated by Sir Lewis Pelly.

12. Moreover, Sir Lewis Pelly reported that the finances of the State of Baroda had been grossly mismanaged. The revenue of the State during the past year was found to be 94 lakhs of rupees, and the expenditure during the same time no less than 171 lakhs, out of which sum 40 lakhs had been expended in gifts chiefly made to favorites and courtesans and 30 lakhs more had been spent in building and repairing palaces and other personal expenses of Mulhar Rao. The manner in which the accounts were kept was most unsatisfactory. In the Baroda State Treasury a sum of less than two thousand rupees was found when Sir Lewis Pelly assumed the administration, while 40 lakhs of rupees were afterwards discovered by Sir Lewis Pelly concealed in the Palace, and further considerable sums had undoubtedly been removed.

13. There are other minor circumstances which were brought to notice during the period to which the present despatch relates, and which, as well as those which have been recounted, have been reported to your Lordship from time to time; but we believe that those which we have described are sufficient to show that the grounds upon which Her Majesty's Government have based their decision that Mulhar Rao should be deposed justify the course which has been taken, although, in our opinion, his deposition was necessary in consequence of his remaining subject, under the most favorable view that could be taken of the circumstances, to a grave suspicion of having instigated the attempt to murder Colonel Phayre.

We have the honor to be, &c.

No. 92 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,

POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS, Simla, the 29th April 1875.

WE have the honor to forward, for the information of Her Majesty's Government, copy of a Minute recorded by His Excellency the Viceroy and Governor-General, with which we concur, and which is intended to give in a connected form an account of the principal transactions which have taken place at Baroda during the last two years.

We have the honor to be, &c.

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MINUTE by HIS EXCELLENCY the VICEROY.

IT may be desirable to place upon record, in a more connected form than is presented by the despatches which have been addressed to the Secretary of State upon the subject, some of which, moreover, were necessarily written under considerable pressure, a summary of the transactions of the last two years, which have terminated in the deposition of Mulhar Rao, Gaekwar, from the Sovereignty of the Baroda State.

2. Mulhar Rao, Gaekwar, succeeded his brother, Khunderao, in 1870. Much correspondence took place in 1872 and 1873 between the Government of Bombay and the Government of India with reference both to the general misgovernment of the Baroda State and to particular cases. Ultimately, in the summer of 1873, the Government of Bombay represented their opinion that measures of decided interference were necessary. Accordingly, at their recommendation, with which the Government of India concurred, a Commission was appointed for the purpose of investigating and reporting upon the general condition of the State. Sir Richard Meade, whose character for calmness of judgment is well known, who has an extensive knowledge of Native States, and who throughout his career has shown that he is ready to make every allowance in their favour, and that he has no wish to enforce a standard which it would be unreasonable to expect in their administration, was appointed to be President of the Commission. Nawab Faiz Ali Khan, who had been Prime Minister of the State of Jeypore, and in whose character and ability great confidence was placed by the Maharaja of Jeypore, as well as by the British Government, was appointed to be a member of the Commission. The other two Members—Mr. Ravenscroft and Colonel Etheridge—were nominated by the Bombay Government, and are officers of high standing and character.

3. The report of the Commission, which was received by the Government of India on 25th February 1874, showed a condition of things which was highly discreditable to Mulhar Rao, and which contained the elements of serious disturbance, which, owing to the manner in which the territories of the British Government and the Gaekwar are intermingled, might have been greatly prejudicial to the interests of British subjects and to the peace and order of Her Majesty's dominions. The Commissioners expressed their opinion that in the summary and extensive reduction of Silladars and Sirdars, in the treatment of certain bankers, in the seizure of women to render forced service in the Palace, in the treatment of the late Gaekwar's relatives, favourites, and dependents, and in the arbitrary resumption of certain inames and hereditary emoluments, the proceedings of Mulhar Rao had been "highly arbitrary, and in some instances "very unjust, and of a character calculated to bring grave discredit on His "Highness' administration, and to excite distrust and alarm amongst a large "portion of the influential and respectable classes of the community." The Commissioners further reported that the grievances of the agricultural classes required careful examination and consideration; that the existing practice of levying nuzzerana (a succession tax) on appointments was wholly inconsistent with good government and should be entirely relinquished and interdicted; that the practice of ill-treating accused persons or prisoners to extract confession obtained to some extent and demanded the most watchful efforts for its absolute

suppression; that the judicial department and administration required entire reform, in order to remove the existing uncertain and irregular application of the law and want of confidence in the proceedings of the courts and Magistrates; and that the state of affairs, when viewed altogether, constituted general mal-administration of a character urgently calling for reformation, which could not be effected without some interference on the part of the British Government.

4. There is no doubt as to the right which the British Government possesses both under treaty and by constant usage to interpose in the internal affairs of the Baroda State. The provisions of the treaty of 1802 are clear, and the letter from Mr. Mountstuart Elphinstone, then Governor of Bombay, to the ruling Gaekwar, in 1820, in which the results of various conferences with the Gaekwar regarding Baroda affairs were recorded, and which contains an exposition of his relations to the British Government, lays down in the plainest possible terms the rights of the British Government.

5. Accordingly in a letter from the Viceroy dated 25th July 1874, authoritative advice was given to Mulhar Rao for the remedy of the principal evils disclosed by the report of the Commission. A period of eighteen months, ending on 31st December 1875, was allowed to him for effecting the necessary reforms, and every assistance was offered him for that purpose. The Government of India, after some time had elapsed, became dissatisfied with the manner in which Colonel Phayre, the British Resident at Baroda, carried out the instructions which were given to him, and arrangements were therefore made, in the beginning of November last, to replace him by Sir Lewis Pelly, an Officer of the highest rank in the Political Service, in whom the Government placed the fullest confidence.

6. While these arrangements were in progress, information was received that an attempt had been made to poison Colonel Phayre.

7. Sir Lewis Pelly arrived at Baroda on 4th December 1874, and found affairs there in a very critical condition. Although assurances had been given from time to time by Mulhar Rao that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The condition of the cultivating classes was represented as desperate, owing to the over-assessment of the land revenue, while the differences between the Sirdars and the Gaekwar threatened a serious disturbance of the peace. Mulhar Rao gave assurances to Sir Lewis Pelly that remedies would be applied to this condition of affairs. Sir Lewis Pelly expressed his belief that those assurances were sincere, and the Government of India entertained some hope that although no confidence could be placed in the personal character of Mulhar Rao, yet he might be induced to allow the administration of the State to be effectually reformed.

8. In the meantime Colonel Phayre had instituted an enquiry and examined the servants at the Residency immediately after the attempt to poison him. No evidence of any value was procured, and the enquiry was for the time closed; but Sir Lewis Pelly was instructed to take measures to investigate the case, and for that purpose he obtained the assistance of Mr. Souter and the Police Officers of Bombay. For some time they could obtain no evidence of importance; but in the middle of December they discovered that Mulhar Rao had been in the habit of holding secret communications by night with the Residency servants. They also discovered that one of those servants, Raoji, had been spending large sums of money: they arrested him on suspicion, and he confessed that he had committed the offence, and alleged that he had done so at the personal instigation of Mulhar Rao. At the same time another Residency servant, Narsu, who had been arrested in consequence of the statements of Raoji, made a similar confession. Raoji made this confession on receiving the promise of a pardon; but Narsu was distinctly told by Sir Lewis Pelly that he must not expect a pardon. Sir Lewis Pelly was instructed to communicate the evidence to the Advocate-General of Bombay, who advised that, if it stood the test of cross-examination, it would be sufficient to convict Mulhar Rao of the offence in a Court of Law. Mr. Souter was immediately despatched to Calcutta with the evidence and the opinion of the Advocate-General of Bombay. When these documents were received in Calcutta, they were referred for the opinion of the Acting Advocate-General and the Standing Counsel to Government at Calcutta, who advised that the evidence was sufficient to commit Mulhar Rao for trial, but stated some doubts with regard to

portions of the evidence, and alluded to the possibility of there being a conspiracy against Mulhar Rao.

9. The case was then considered with the greatest attention by the Government of India. Mr. Souter was most carefully questioned with respect to the nature of the police investigation, and he explained that every precaution had been taken to prevent evidence being concocted by the subordinate police officials. The probability of there being a conspiracy against Mulhar Rao was discussed, but no reasonable ground could be found for such a supposition. The Government of India considered, therefore, that there was strong primâ facie reason to believe that the attempt to poison Colonel Phayre had been instigated by Mulhar Rao.

10. The question then arose, how this condition of things was to be dealt with. It was impossible to pass over an attempt on the life of a British Resident at the Court of a Native Prince. The sanctity attached to the lives of Ambassadors extended, in the opinion of the Government of India, if possible in a greater degree to British Residents at the Courts of Native States; no crime, therefore, could be more serious than an attempt upon the life of a British Resident instigated by the Ruler of a Native State. The evidence as it then stood would not have justified the Government of India in at once condemning Mulhar Rao, because he had had no opportunity of making his defence, and the witnesses had not been subjected to cross-examination. Some enquiry, therefore, was essential.

11. In deciding upon the course to be adopted, the Government of India could not overlook the character and antecedents of Mulhar Rao. He had been accused of having been engaged in a conspiracy to murder his brother Khunderao, Gaekwar in 1863, and had in consequence been kept in seclusion during the lifetime of his brother. After Mulhar Rao's accession to the Sovereignty of Baroda, Bhow Scindia the Minister of the late Gaekwar had died in prison under suspicious circumstances, and was generally supposed to have been poisoned. The Government of India had expressed to Mulhar Rao their regret that, in consequence of his having omitted to follow the advice given by the Assistant Resident, the only satisfactory means of clearing up the doubts which rested on the death of Bhow Scindia had been neglected. Moreover, the whole tenor of the report of Sir Richard Meade's Commission was highly unfavourable to Mulhar Rao's personal character.

12. Having regard to these circumstances and to the strong primâ facie case against Mulhar Rao, it appeared that there was no probability of a fair enquiry being made into the attempt to poison Colonel Phayre so long as Mulhar Rao remained in the position of Ruler of Baroda, and that it would have been improper for the Government of India to continue friendly communications with him pending the investigation. It was, therefore, determined to suspend Mulhar Rao from power, and to assume, on behalf of the Queen, the administration of the State of Baroda pending the result of the enquiry. This action was not based on considerations of law. It was an act of State, carried out by the Paramount Power. Troops were sent to Baroda. Mulhar Rao was arrested; and the administration of the State was assumed with promptness and without disturbance by Sir Lewis Pelly.

13. The Government of India had next to determine what form the enquiry should take. Notwithstanding the objections to which a public enquiry was open, it was decided that a public enquiry was more advisable than one conducted in private, which might have given occasion for suspicion. The composition of the Commission was next considered. In order that it should be so constituted as to command complete confidence, the services of Sir Richard Couch, the Chief Justice of Bengal, and the highest judicial authority in India, were secured as President. Sir Richard Meade, whose character has been already described, and Mr. Philip Melvill, an Officer who had been Judicial Commissioner of the Central Provinces, and acted as a Judge of the Chief Court at Lahore, who had no connection whatever with Baroda affairs, and whose character for independence and ability is well known, were appointed to be Commissioners. The Government of India considered that it was desirable to obtain the assistance of Natives of India of high rank and position as Members of the Commission. Raja Sir Dinkur Rao was summoned to Calcutta, and consented to serve. I requested Maharaja Scindia, Maharaja Holkar, and the Maharaja of Jeypore to join the Commission. Maharaja Holkar, while expressing his complete concurrence in the course which

had been taken, excused himself from serving, but the other two Princes consented to serve.

14. In making public the suspension of the Gaekwar and the institution of the enquiry, it was announced that whatever the result might be, a Native Administration would be re-established at Baroda. Throughout the whole of these transactions the Government of India were of opinion that it was essential to show that the British Government were actuated by no interested motives.

15. The Commission was not constituted as, or intended to be, a judicial tribunal. Its function was to report to the Government of India, with whom the decision was ultimately to rest. The imputations against Mulhar Rao, into the truth of which the Commission was instructed to enquire, are noted in the margin.

I.—That the said Mulhar Rao, Gaekwar, did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.

II.—That the said Mulhar Rao, Gaekwar, gave bribes to some of those servants, or caused such bribes to be given.

III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets and to cause injury to Colonel Phayre, or to remove him by means of poison.

IV.—That, in fact, an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao, Gaekwar.

16. It was indispensable, in order to investigate the graver imputation of instigating the attempt to poison, that the Commission should enquire into the allegation that Mulhar Rao had been in the habit of holding secret communications by night with the Residency servants, and of giving them money for the purpose of obtaining information as to the business conducted at the Residency. The Government of India had good reason to believe that attempts of the kind had habitually been made by Mulhar Rao; and it was necessary, for the purpose of clearing the way to the examination of his connection with the poisoning, that the truth of his secret communications with the Residency servants, who were supposed to be the agents in the crime, should be investigated. If the evidence with respect to those communications had broken down, it would have been a strong argument in favor of the innocence of Mulhar Rao. If, on the other hand, the secret interviews were established, the antecedent improbability that he should have been in secret personal communication by night with persons of that class would be removed.

17. The commission commenced their proceedings on 23rd February and closed them on 31st March 1875. Sir R. Couch (the President), Sir R. Meade, and Mr. Melvill were of opinion that all the imputations against Mulhar Rao were true. Maharaja Scindia and Raja Sir Dinkur Rao found the graver imputation not proved, while the Maharaja of Jeypore thought that Mulhar Rao was not implicated in the charges: and all three treated the minor imputations as matters of no importance, and in accordance with the practice at other Native Courts.

18. The Government of India did not consider that the circumstance that the Commissioners were equally divided in opinion justified them in treating Mulhar Rao as innocent of the charges imputed to him. He was the Sovereign of a large territory and responsible for its government. The Government of India have intimate relations with the Baroda State, for the proper conduct of which it is essential that they should be able to communicate with the Gaekwar in terms of confidence and friendship. This would have been impossible considering Mulhar Rao's character and antecedents, so long as he lay even under the suspicion of being concerned in a cowardly and atrocious crime, not against an ordinary individual, but against the Representative of the British Government at his Court.

19. It has already been stated that the Commission differed essentially from a judicial tribunal, and this is apparent upon the face of the public instructions which the Commissioners received. It was their function to receive and examine the evidence and to report their opinions upon it, as well as to afford Mulhar Rao an opportunity of freeing himself from the grave suspicion which attached to him. But the Government of India were the ultimate judges of the matter enquired into; they held it to be their duty to express a final decision upon the issues which were laid before the Commissioners; and they would not have supported the opinions of a majority, or even of the whole body, unless they had considered that those opinions were based upon sufficient evidence.

20. The possibility that the Commissioners might be divided in opinion, or that they might not be able to arrive at any very positive conclusions, had been previously discussed, and it was the deliberate opinion of the Government of India

that, bearing in mind the character and antecedents of Mulhar Rao, he should not be restored to power unless he should be able to clear himself fully from the suspicion which attached to him.

21. The Government of India most carefully and deliberately considered the reports of the Commissioners and the evidence on which they were based, and arrived at the unanimous conclusion that the imputations against Mulhar Rao were true. It was therefore determined to recommend to Her Majesty's Government that Mulhar Rao and his issue should be deposed; that the fittest member of the Gaekwar House should be selected in his room; and that Jumnabaee, the widow of the late Gaekwar Khunderao whose loyalty to the British Government was shown during the events of 1857, should be permitted, in accordance with a request which she had made, to adopt the person who should be so selected. In appointing a successor to Mulhar Rao, the Government of India considered that no change should be made in the relations which existed by treaty between the British Government and the Gaekwars of Baroda.

22. These opinions of the Government of India were transmitted by telegraph for the consideration of Her Majesty's Government.

23. Her Majesty's Government decided that Mulhar Rao, together with his issue, should be deposed from the sovereignty of Baroda, and sanctioned all the proposals with respect to the re-establishment of a Native Administration in that State which were made by the Government of India. Her Majesty's Government, however, directed that the deposition of Mulhar Rao should not be based upon the enquiry and report of the Commission, but upon general grounds. The Government of India reviewed the conduct of Mulhar Rao since the report of Sir Richard Meade's Commission, and were so satisfied of the justice and propriety of not replacing Mulhar Rao in power, apart from the result of the recent enquiry, that they did not hesitate to act upon the instructions which they had received. Accordingly, in the Proclamation which announced the deposition of Mulhar Rao, it was stated that Her Majesty's Government had not based their decision on the enquiry or report of the Commission, and that they had not assumed that the result of the enquiry had been to prove the truth of the imputations against Mulhar Rao.

24. It may be alleged, in opposition to the course that has been adopted, that, if Mulhar Rao has been justly deposed upon general grounds, he should have been deposed either upon the receipt of the report of Sir R. Meade's Commission, or at some other time before the enquiry before Sir Richard Couch's Commission was concluded. But a review of the circumstances in the order in which they occurred will show that the Government of India could not, consistently with the forbearance which they considered it to be both right and expedient to exercise in dealing with Mulhar Rao, have recommended his deposition at any former time.

25. Sir Richard Meade's Commission did not recommend Mulhor Rao's deposition, neither did the Government of Bombay, through whom their report was brought under the consideration of the Government of India. The evidence was not considered by the Government of India to be sufficient in itself to justify the adoption of so extreme a measure. At the same time the charges of misgovernment proved against Mulhar Rao were very grave; his personal character was seriously compromised: and he was distinctly warned that he would be deposed if he did not take advantage of the period of grace then given to him. Her Majesty's Government approved of the manner in which Mulhar Rao was then dealt with. I am satisfied that the action which was taken was just and sufficient, and that it was so considered at the time by all those who were in a position to give a sound opinion upon the subject.

26. In the interval between the report of Sir Richard Meade's Commission and Mulhar Rao's suspension from power, several instances undoubtedly occurred in which he gravely misconducted himself. These were his marriage with Luxmabaee; his treatment of Ruckmabaee, the younger widow of his brother; and his quarrels with his Sirdars. In consequence, however, of Colonel Phayre's proceedings, which eventually led to his removal from Baroda, the Government of India felt themselves compelled to accept his reports of Mulhar Rao's misconduct with some qualification, and up to the time of the serious attempt to take the life of Colonel Phayre the Government of India did not think that sufficient reasons existed to make it desirable for them to re-consider their decision granting to Mulhar Rao a period of grace. On looking back to the circumstances as they were then known, apart from subsequent events, I am satisfied that the deposition

of Mulhar Rao during this period would have been regarded as showing a predetermination on the part of the Government of India to remove Mulhar Rao, and a refusal to allow him the opportunity which had been promised him for reforming the administration of Baroda.

27. A second warning was given to Mulhar Rao when Sir Lewis Pelly was appointed to succeed Colonel Phayre. Sir Lewis Pelly, on his arrival at Baroda, described the state of affairs to be very critical, as has been mentioned in paragraph 7 of this Minute. At the same time he did not suggest that Mulhar Rao should be then deposed. He reported that Mulhar Rao professed his readiness to accept his advice—had indeed accepted it upon some matters, and so far as he could judge sincerely desired to reform the administration. Although after what had previously occurred the Government of India could attach but little value to such professions, there were certainly at that time no sufficient reasons for deviating from the course which had before been adopted and announced to Mulhar Rao, namely, that he should still have the benefit of the period of grace originally given to him, together with every assistance which could be afforded to him by Sir Lewis Pelly.

28. The suspension of Mulhar Rao, in consequence of the evidence which was obtained of his complicity in the attempt to murder Colonel Phayre, occurred soon after Sir Lewis Pelly's arrival at Baroda. In the 8th and following paragraphs of this Minute I have shown that the evidence by itself would not have justified the deposition of Mulhar Rao without further enquiry.

29. The administration of the State of Baroda was necessarily placed then for the time in Sir Lewis Pelly's hands; and much further information was obtained which added very materially to the previous evidence of the misgovernment of the Baroda State, of Mulhar Rao's misconduct, and of his incapacity to carry into effect the necessary reforms.

30. Mr. Dadabhoy Nowrojee, the Minister in whom Mulhar Rao professed to place confidence, and who, so far as the Government of India could judge, had been sincerely desirous of reforming the administration, resigned office; no explanation was afforded of the reasons for his resignation. Sir Lewis Pelly found that the finances of the State had been grossly mismanaged. The revenue during the past year was found to be 94 lakhs of rupees (940,000*l.*), and the expenditure during the same time no less than 171 lakhs (1,710,000*l.*), out of which sum 40 lakhs (400,000*l.*) had been expended in gifts chiefly made to favorites and courtesans, and 30 lakhs (300,000*l.*) more had been spent in building and repairing palaces and other personal expenses of Mulhar Rao. The manner in which the accounts were kept was most unsatisfactory. In the Baroda State Treasury a sum of less than two thousand rupees (200*l.*) was found when Sir Lewis Pelly assumed the administration, while 40 lakhs (400,000*l.*) were afterwards discovered by Sir Lewis Pelly concealed in the Palace, and further considerable sums had undoubtedly been removed.

31. The enquiries that were made respecting the attempt to poison Colonel Phayre naturally led to an enquiry into the circumstances of the death of Bhow Scindia in 1872, which, as I have mentioned before, was generally attributed to poison, and as to which some suspicion attached to Mulhar Rao. Depositions were taken before officers who had been charged by Sir Lewis Pelly with the duty. These depositions tended to confirm the suspicion that Bhow Scindia was poisoned. Again it appeared in the course of the enquiries which had been carried on at Baroda connected with the attempt to poison Colonel Phayre that a man of the name of Govind Naik had met with his death in a manner to induce Sir Lewis Pelly to believe that Mulhar Rao either gave himself, or caused to be given orders by virtue of which a system of torture was put in force under which Govind Naik finally succumbed. In this case also formal depositions were taken which led to the conclusion stated by Sir Lewis Pelly.

32. It is obvious that these and other circumstances disclosed after Mulhar Rao's suspension, although they afforded substantial ground for a re-consideration of the decision at which the Government of India had arrived to allow him his full period of grace, could not with propriety have been dealt with pending the result of the enquiry before Sir Richard Couch's Commission.

33. It appears then that at no time between the report of Sir Richard Meade's Commission and the conclusion of the enquiry carried on before Sir Richard Couch's Commission were the Government of India in a position to recommend the deposition of Mulhar Rao. At the same time, independently of the enquiry

into the attempt to poison Colonel Phayre, evidence to the effect that Mulhar Rao could not, with a due regard to the interests of the people of Baroda, be restored to power, had accumulated since the warning given to him after the report of Sir Richard Meade's Commission; and especially much additional proof of his misconduct and unfitness had been received since his suspension from power. As regards Mulhar Rao's issue, the circumstances of his marriage with Luxmabaee, and her having given birth to a son five months after that marriage, led to the conclusion that it would have been highly detrimental to the interests of the State of Baroda that any recognition should be given to the possible claims of that infant (the only male issue of Mulhar Rao on behalf of whom any claim to legitimacy could be advanced) to the Sovereignty of Baroda.

34. All the circumstances have probably been considered by Her Majesty's Government. They are mentioned here for the purpose of indicating the manner in which the question presented itself to the Government of India, and the reasons which led them to accept without hesitation the decision of Her Majesty's Government that the deposition of Mulhar Rao and of his issue should be based upon general grounds. It has already been shown that the recommendation of the Government of India that Mulhar Rao should be deposed was based upon the fact of his remaining subject, under the most favourable view that could be taken of the circumstances, to a grave suspicion of having instigated the attempt to murder Colonel Phayre, coupled with his previous character and antecedents.

35. Throughout all these painful transactions the Government of India have endeavoured to deal with Mulhar Rao in a spirit of perfect impartiality. Looking not only to the poisoning case, but to his character and antecedents, to the maladministration of the State of Baroda, and to the measures taking in consequence, I can confidently assert that Mulhar Rao has been treated by the Government of India with the utmost forbearance that was compatible with the duty of the British Government to insist that the person of a British Resident at a Native Court should be respected, and that a State enjoying British protection, the peace of which is maintained by Her Majesty's forces, should be so administered as to secure the people from grievous abuses. That it was both just and expedient to have exercised such forbearance cannot, I conceive, be disputed.

29th April 1875. NORTHBROOK.

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POLITICAL.

No. 69.

To His Excellency the Right Honorable the GOVERNOR-GENERAL OF INDIA IN COUNCIL.

India Office, London, 3rd June 1875.

Para. 1. I have received and considered in Council Your Excellency's Despatches quoted in the margin:* also the evidence taken upon the recent inquiry before Sir R. Couch's Commission; the Report of the Commissioners; the resolution of the Government of India in respect of it; the Proclamation in which you declared the Gaekwar of Baroda deposed; and, a Minute by Your Excellency reviewing the recent history of the Baroda State.

2. I have to inform you that Her Majesty's Government approves of the course you have pursued in directing the deposition of Mulhar Rao, the late Gaekwar of Baroda.

3. The maladministration of that State, which for many years has caused anxiety to the Government of India, was reported by the Commission which sat under Sir R. Meade to have reached to a point "urgently calling for reformation." The Commission further recorded their opinion that "it was hopeless to look for "any effectual measures of reform and improved government at the hands of the "present ruler and his advisers; but that

* Political, No. 11, of 15th January 1875.
" " 17, 18, of 22nd " "
" " 24, of 29th " "
" " 32, of 5th " "
" " 39, 40, of 12th " "
" " 44, 45, 46, 48, of 19th " "
" " 55, 56, 57, 58, 59, of 26th " "
" " 63, 64, 65, of 5th March "
" " 69, 70, of 12th " "
" " 1 C., 2 C., 3 C., 4 C., 5 C., 6 C., 7 C., of 27th " "
" " 80, of 15th April "
" " 85, of 22nd " "
" " 91, 92, of 29th " "

" these could only be introduced through the intervention and under the auspices " of the British Government." They accordingly recommended the appointment of a Minister, who should be invested with the requisite powers, and who should not be removable except with the consent of the Government of India.

4. Your Excellency decided not to accept this recommendation. The plan of setting aside the authority of a tyrannical Sovereign by the appointment of an independent Minister, while the Sovereign still remained nominally on the throne, had not in your judgment been sufficiently successful in other cases to justify its renewal. You justly preferred to seek a remedy by charging Mulhar Rao himself with the duty of immediate reformation.

5. In a khureeta, dated 25th July 1874, you pointed out to the Gaekwar the responsibility which his misuse of power had imposed upon the British Government. The fact that you are bound to protect his throne against insurrection laid on you a sacred obligation to protect his subjects against misgovernment. The sentences in which Your Excellency pointed out this consequence to the Gaekwar forcibly express the principles on which your relations with the Sovereigns of protected States must always be conducted,—

" Your Highness has justly observed 'that the British Government is un-
" 'doubtedly the paramount Power in India, and the existence and prosperity
" 'of the Native States depend upon its fostering favour and benign protec-
" 'tion.' This is especially true of the Baroda State, both because of its
" geographical position, intermixed with British territory, and also because a
" subsidiary force of British troops is maintained for the defence of the State,
" the protection of the person of its Ruler, and the enforcement of his legitimate
" authority.

" My friend, I cannot consent to employ British troops to protect anyone in a
" course of wrong doing. Misrule on the part of a Government which is upheld
" by the British power is misrule in the responsibility for which the British
" Government becomes in a measure involved. It becomes, therefore, not only
" the right, but the positive duty of the British Government to see that the
" administration of a State in such a condition is reformed, and that gross abuses
" are removed."

6. You then proceeded to draw His Highness's attention to the practical course which these principles would impose upon you. You expressed your wish to give him a fair chance of reforming his administration, and you warned him of the inevitable consequences if he failed to take advantage of it,—

" I must hold Your Highness responsible for the amendment of the serious evils
" disclosed, and I leave to you the selection of your agents, with a distinct inti-
" mation that, if Your Highness fails to attend to the advice I now offer you, and
" the counsel which the Resident, who possesses my full confidence, will be
" instructed to offer you, and if, in consequence, the condition of the Baroda
" administration remains unreformed, the only course left will be to remove your
" Highness from the exercise of power, and to make such other arrangements,
" consistent with the maintenance of the integrity of the Baroda State, as I may
" deem necessary to secure a satisfactory administration."

Without pledging yourself to leave him in authority to the end of the present year, you fixed that date as the one beyond which your indulgence would certainly not be prolonged.

7. The experiment was not destined to last so long. It proceeded for some months under the guidance of Colonel Phayre, and, though the imperious tone of that Officer's communications and his disregard of your instructions, justified you in removing him, there was nothing in his conduct which need have hindered the Gaekwar, had he been anxious to do so, from prosecuting the necessary reforms. No desire of this kind, however, was discoverable in his acts. Up to the time when his apparent complicity in the poisoning of Colonel Phayre compelled you to suspend him from power no substantial progress towards improvement had taken place. On the contrary, as Your Excellency shows in your Despatch of the 29th of April, this period was marked by a treatment of his predecessor's widow which threatened her life, a marriage which aggravated his differences with his Sirdars, and a continuance of that reckless prodigality which, on the one hand, had reduced the cultivating classes to despair, and, on the other, by leaving unprovided the necessary payments of the native soldiery, threatened to plunge the State into disorder. These symptoms indicated no change in Mulhar Rao's characteristic weaknesses. Almost the last incident in the history of his reign,

before it was closed by his arrest on the charge of poisoning, was the mysterious resignation, without reason given, of the reforming Minister who had been appointed under the pressure of Sir R. Meade's report.

8. Whether, supposing no charge of poisoning to have arisen, it would have been more expedient to act upon these indications, or to defer the final decision until the close of the year, it is not now necessary to inquire. It is only proper to observe that whatever course might have been taken it must and could only have been dictated by a regard for the interests of the people of Baroda. It might have been more politic to avoid the popular excitement and apprehension consequent on any sudden change of policy, than to anticipate by a few months the redress that was due to many suffering classes in the State. But there was nothing in the conduct of the Ruler to call for such indulgence, or to impose on your Government a further delay in the vague hope of an improved administration.

9. Any such question was necessarily insignificant compared with the grave suspicion of poisoning that was the subject of the inquiries conducted by Mr. Souter. Her Majesty's Government entirely concur with Your Excellency in the opinion that you could not have left this charge unnoticed. It would have been a scandal to continue relations of friendliness and apparent cordiality with a Prince lying under a charge so horrible, made by those who professed to be his instruments; and it would not have been just to the able servants of the Crown, who perform delicate political duties, often under circumstances of difficulty and peril, to announce to the world that you held their lives so cheaply.

10. In deciding upon the mode of inquiry to be adopted, Your Excellency was guided by weighty considerations. You desired that the sufficiency of the evidence on which you proceeded should be known to the world, and therefore you determined that the proceedings should be public. You further desired, as you informed the Maharajah Scindia, "that the Commission should be constituted in 'such a manner as to command the confidence of the whole of India." In this spirit you resolved that one half of it should consist of Natives, and that of these one should be, like the accused, a Maratha Prince, and one a distinguished Maratha statesman. In so doing, you were inspired by that earnest and watchful consideration for the feelings of Her Majesty's Indian subjects, which has consistently marked your administration, and of which Her Majesty's Government have always expressed their emphatic approbation.

11. Whether the result of this mode of proceeding has in all respects corresponded to your anticipations may be open to question. It has been undoubtedly attended with grave inconveniences, from which a sufficient argument might be drawn against the adoption of a similar procedure, if, unhappily, a similar occasion for it were ever to arise. Princes and nobles are not qualified by forensic training for the conduct of a delicate judicial investigation; and those of India, to whom the customs of an English Court of law and the skill of an English advocate are strange, enter upon such novel duties under a special disadvantage. The experience, moreover, of the present case has shown that our judicial forms are little suited to the trial of a sovereign prince within his own dominions; for the publicity of the proceedings and the preliminary restraint which is politically necessary, inflict upon him a grave indignity, which, in the eyes of his subjects and of other princes, could only be justified by proved crime, and so create for him a sympathy which easily becomes a bias in his favour. The rules of procedure, again, enforced by our law, are less appropriate in cases where witnesses are easily tampered with between their first examination and their production in open Court, where the means for such operations are abundant, and where the temptation to use them is overwhelming. Under such conditions there must always be a risk that the evidence at a trial will seem imperfect, compared to that which was available when it was first determined that a trial should be held.

12. These various inconveniences were of a character whose importance it was not easy for Your Excellency to estimate beforehand, but they were brought into notice, and they grew in importance as the inquiry proceeded. They account sufficiently for the difficulties of the Native Commissioners, and for their reluctance to concur in the unhesitating decision of their more practised colleagues.

13. Whatever explanation may be given of the reasons which guided the Native Commissioners to their decision, it could not, in the opinion of Her Majesty's Government, be ignored. My instructions, conveyed to Your Excellency by

telegraph, gave expression to this view. The appointment of Native Commissioners had little meaning unless its object was to assure the Natives of the equity of the tribunal, and that assurance would have been illusory if the judgment of the Native Commissioners had been allowed to count for nothing in the decision of the issue. Moreover, in a case which wholly turned on the credibility of three witnesses, their bearing under examination was of the utmost importance; and the judgment of those who had watched it could not under the circumstances be properly submitted to the revision of any authority, however high, which had not the same opportunity. It is true that, in your orders constituting the Commission you designated its proceedings as an inquiry, not a trial. But this circumstance did not, in the opinion of Her Majesty's Government, neutralize the force of the considerations to which I have referred.

14. If Mulhar Rao had been found guilty by the Commission of the heinous offence imputed to him, there would have been no ground for inflicting on him any milder punishment than that which would have been thought just if he had occupied a humbler position. His crime would have been aggravated by the character of the office held by the person against whom it was directed, and it would not have been extenuated by his own exalted station. He was, however, neither convicted nor acquitted. The opinion of the Commission, though it inclined against him, was not decisive; for of the six members, while three, including the learned President, were for conviction, only one was for acquittal. Under these circumstances, considering that the three Commissioners who declined to convict him were the men of his own race, who had been placed upon the tribunal in order to ensure for it the confidence of the people of India, Her Majesty's Government were of opinion that Mulhar Rao could not be treated as having been proved guilty of the crime of poisoning. His guilt accordingly was not assumed in the proclamation issued by you under the instructions of Her Majesty's Government, and he has been spared the penal consequences which would probably have followed a conviction for that crime.

15. It by no means followed as a necessary consequence that he should be replaced upon the gadi. Of the issue of the inquiry the utmost that could be said was that the inability of the Commission to pronounce a definite opinion upon his guilt protected him from the punishment of a criminal. He had so acted that three Europeans of great experience had declared him guilty of poisoning, and two of his own race had, in giving judgment, abstained from declaring him innocent. Whatever inference might be drawn from this finding, it could not be regarded as an assertion of his fitness for an office of the highest trust, and would, even if considered alone, have placed a serious difficulty in the way of his restoration to sovereignty over the people of Baroda.

16. Other reasons, however, in themselves amply sufficient, existed for refusing to invest him again with power. The period which had elapsed since the holding of Sir R. Meade's inquiry had shown no abatement in the vices to which the misgovernment of Baroda had been due. Before his arrest the reforming Ministers had resigned their offices, and Sir Lewis Pelly had submitted to you his "solemn recommendation that the Gackwar State be saved by the deposal from power of "its Ruler." A few weeks later, evidence was discovered of crimes which, had they been known sooner, would have brought this oppressive reign to an earlier close. The poisoning of Bhow Scindia, former Prime Minister of Baroda, and the still more horrible details of the death of Govind Naik by torture, were proved before Sir Lewis Pelly, after the proceedings of Sir R. Couch's Commission had commenced. Both crimes were committed by persons in authority under Mulhar Rao, and the latter was directly traced to his orders. Had they been established while he was still upon the throne, it would have been impossible for the British Government to have abstained any longer from terminating a power used for such atrocious purposes.

Despatches, 7th December 1874, and 7th Jan. 1875.

17. On these grounds, had he lain under no suspicion of poisoning Colonel Phayre, it was necessary that he should be deposed. The British Government, which had deprived his Sirdars and ryots of the power of righting themselves, would not be justified in using its supremacy to compel them to submit again to a ruler whose incurable vices had been established by a full experience. You were accordingly instructed to rest his deposition in your formal proclamation on these general grounds. The danger of seeming to visit the crime of poisoning a

Resident with the simple penalty of deposition, as well as the opinions recorded by the Native Members of the Commission, made it inexpedient to include matters arising out of the inquiry among your grounds of action. Such a course would have only added a superfluous justification for a necessary act. It might have obscured the principle that incorrigible misrule is of itself a sufficient disqualification for sovereign power. Her Majesty's Government have willingly accepted the opportunity of recognizing in a conspicuous case the paramount obligation which lies upon them of protecting the people of India from oppression.

18. I have, in conclusion, to express on behalf of Her Majesty's Government their high appreciation of the services which have been rendered by Your Excellency during this painful case. I have also to request you to convey to Sir Lewis Pelly, and the officers acting under him, the sense which is entertained by Her Majesty's Government of the efficient manner in which their difficult duties have been performed.

I have, &c.
(Signed) SALISBURY.

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